

OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

## POLICE ACCOUNTABILITY BOARD REGULAR MEETING

Wednesday, February 9, 2022  
7:00 P.M.

### Board Members:

ISMAIL RAMSEY, CHAIR  
MICHAEL CHANG, VICE-CHAIR  
KITTY CALAVITA

REGINA HARRIS  
JULIE LEFTWICH  
DEBORAH LEVINE

NATHAN MIZELL  
JOHN MOORE III  
CHERYL OWENS

### **PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of the attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82237902987>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial 1 669 900 6833 and enter Meeting ID 822 3790 2987. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized.

### **AGENDA**

1. **CALL TO ORDER & ROLL CALL** (5 minutes)
2. **APPROVAL OF AGENDA** (5 minutes)
3. **PUBLIC COMMENT** (TBD)

*(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on any matter within the Board's jurisdiction at this time.)*

The Police Accountability Board and Office of the Director of Police Accountability (ODPA) were created to provide independent civilian oversight of the Berkeley Police Department. They review and make recommendations on police department policies, and investigate complaints made by members of the public against police officers. For more information, contact the ODPA.

1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA 94704 TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955  
Website: [www.cityofberkeley.info/dpa/](http://www.cityofberkeley.info/dpa/) Email: [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)

4. **APPROVAL OF MINUTES** (3 minutes)  
Regular meeting of January 26, 2022.
5. **CHAIR'S REPORT** (5 minutes)  
Update from Board member Mizell on Reimagining Public Safety Task Force.
6. **DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT** (5 minutes)  
Status of complaints; other items.
7. **CHIEF OF POLICE'S REPORT** (10 minutes)  
Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.
8. **SUBCOMMITTEE REPORTS (discussion and action)** (10 minutes)  
Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:
  - a. Fair & Impartial Policing Implementation.
  - b. Director Search.
  - c. Regulations.
  - d. Mental Health Response (Policy Complaint #7).
9. **OLD BUSINESS (discussion and action)**
  - a. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODPA. (15 minutes)
  - b. Automated License Plate Readers (ALPRs): Review BPD's proposed ALPR Use Policy, and proposed revisions from Councilmember Harrison and Councilmember Taplin, and provide feedback. (20 minutes)
10. **NEW BUSINESS (discussion and action)**
  - a. Consider inviting BUSD administrators address the Board regarding the BUSD's threat assessment protocols and engagement with the BPD's School Resource Officer at Berkeley High, in light of October 15, 2021, and January 19, 2022 incidents. (10 minutes)  
From: Chair Chang
  - b. Review Policy 351, Public Safety Fixed Video Surveillance Cameras. (10 minutes)  
From: Board member Calavita
  - c. Consider forming a subcommittee to assist with the preparation of a PAB budget proposal (10 minutes).  
From: Board member Leftwich

- d. Lexipol Policies: 1) Update on status; 2) Consider forming a subcommittee to review Lexipol policies. (10 minutes)  
From: Board member Leftwich
- e. Response to Chief Louis regarding drafts requested, relating to fair and impartial policing implementation. (5 minutes)  
From: Fair & Impartial Policing Implementation Subcommittee

**11. PUBLIC COMMENT (TBD)**

*(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on this agenda only.)*

**Closed Session**

The Board will convene in closed session to meet concerning the following:

**12. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6 (45 minutes)**

Designated representatives: Katherine Lee, Interim Director of Police Accountability; Timothy L. Davis, Labor Negotiator

Employee organization: Berkeley Police Association

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the Board will recess into closed session to discuss and take action on the following matter:

**13. TENTATIVE AND FINAL DECISIONS IN COMPLAINTS #1, 2, AND 4 (30 minutes)**

**End of Closed Session**

**14. ANNOUNCEMENT OF CLOSED SESSION ACTION (1 minute)**

**15. ADJOURNMENT (1 minute)**

**Communications Disclaimer**

Communications to the Police Accountability Board, like all communications to Berkeley boards, commissions or committees, are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Board Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the Board Secretary for further information.

**Communication Access Information (A.R. 1.12)**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

**SB 343 Disclaimer**

Any writings or documents provided to a majority of the Board regarding any item on this agenda will be made available for public inspection at the Office of the Director of Police Accountability, located at 1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA.

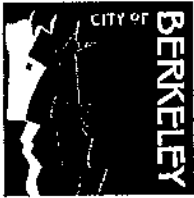
Contact the Director of Police Accountability (Board Secretary) at [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)



**POLICE ACCOUNTABILITY BOARD (PAB)  
REGULAR MEETING ATTACHMENTS  
FEBRUARY 9, 2022**

<b><u>MINUTES</u></b>	
January 26, 2022 Regular Meeting Draft Minutes.	Page 7
<b><u>AGENDA-RELATED</u></b>	
Item 8. – Subcommittee List updated 12-9-2021.	Page 13
Item 9.a. – Proposed Revisions to Body Worn Camera Policy 425.	Page 15
Item 9.b. – Revised Agenda Material from Councilmember Taplin updating the ALPR Use Policy.	Page 19
Item 9.b. – Revised Agenda Material from Councilmember Harrison updating the ALPR Use Policy.	Page 29
Item 9.b. – Action Calendar item from 12-14-2021 Council Meeting re Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.	Page 39
Item 10.b. – 1-25-2022 Memo to the Council Members re Public Safety Cameras Affixed to City Property, attaching Policy 351.	Page 57
Item 10.d. – List of PRC Review of Draft Lexipol Policies. Updated 3-9-2021.	Page 63
Item 10.d. – 1-6-2020 Memo to the Chief from the Police Review Commission Officer, re Lexipol policies approved by the Police Review Commission.	Page 75
Item 10.e. – Email dated 2-3-2022 from Chief Louis with attachments.	Page 79
<b><u>COMMUNICATIONS</u></b>	
Bay Area Law Enforcement Oversight Forum. Community Conversation on the City of Berkeley's Recruitment for the Director of Police Accountability. February 7, 2022 at 6 PM (via Zoom).	Page 95
2-1-2022 Email re California's Racial and Identity Profiling Advisory Board Releases Report on Police Stop Data.	Page 97
1-26-2022 Email re Tsunami response / Berkeleyside deep dive.	Page 103





OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

DRAFT

**POLICE ACCOUNTABILITY BOARD**  
**REGULAR MEETING**  
**MINUTES**  
*(draft)*

Wednesday, January 26, 2022, 7:00 P.M.

No physical location; meeting held exclusively through videoconference and teleconference.

**1. CALL TO ORDER & ROLL CALL BY CHAIR RAMSEY AT 7:00 P.M.**

Present: Board Member Ismail Ramsey (Chair)  
Board Member Michael Chang (Vice-Chair)  
Board Member Kitty Calavita  
Board Member Regina Harris  
Board Member Juliet Leftwich  
Board Member Deborah Levine  
Board Member Nathan Mizell  
Board Member John Moore  
Board Member Cheryl Owens

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability

BPD Staff: Interim Chief Jennifer Louis, Lt. Rob Rittenhouse, Ofc. Matthew Valle (BPA)

**2. APPROVAL OF AGENDA**

Motion to approve the agenda.

Moved/Second (Calavita/Leftwich) Motion Carried by general consent

**3. PUBLIC COMMENT**

3 speakers.

**4. APPROVAL OF MINUTES**

a. Special meeting of January 5, 2022.

**Motion to approve Special Meeting Minutes of January 5, 2022**

1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA 94704 TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955  
Email: [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info) Website: [www.cityofberkeley.info/dpa](http://www.cityofberkeley.info/dpa)

Moved/Second (Chang/Leftwich) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Moore, Owens, and Ramsey.

Noes: None

Abstain: Mizell

Absent: None

b. Regular meeting of January 12, 2022.

**Motion to approve Regular Meeting Minutes of January 12, 2022**

Moved/Second (Harris/Calavita) **Motion Carried by general consent**

## 5. CHAIR'S REPORT

Chair Ramsey reported: The BPA has again requested that the City meet and confer over the interim regulations.

Board Member Mizell reported on Reimagining Public Safety Task Force (RPSTF): Met Jan. 24; working on draft response to NICJR recommendations. Next meeting Feb. 10 at 6 p.m. Final recommendations to be sent to Council for a March 10 worksession.

## 6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

-- No new complaints filed since the last meeting.

-- On January 25 Council postponed ALPR Use Policy.

-- Possible closed session February 9.

-- See packet for list of current and pending work. More work than staff can support, so please keep in mind when proposing new items.

-- Investigator Byron Norris is retiring March 25.

## 7. CHIEF OF POLICE'S REPORT

Interim Chief Louis reported:

-- Cases of interest: 1) Jan. 19 fight among Berkeley High students and report of handgun, which turned out to be a replica firearm. BPD's School Resource Officer ID'd the student. Good example of collaboration among SRO, other officers, and BUSD. 2) Just announced today an arrest in the Oct. 2020 murder of Serenat'e Henderson. Very proud of hard work of detectives.

-- Staffing: 2 longtime officers just retired. Currently 154 sworn, including 4 in first phases of FTO and 3 in Academy.

-- No new data to share re vaccination status of officers. HR Dept. continuing to process and evaluate exemption requests.

-- During Internal Affairs' presentation to RPSTF, got feedback on making complaint form more accessible and clear. DPA also made suggestions. New form will be on website soon.

-- Acknowledge letter from Board re request for documents relating to FIP.

Appreciate straightforwardness and spirit of collaboration. Collaboration critical to

success and legitimacy of both PAB and BPD. Working to pull items together. M&C moving along and hope to have by Feb. 2.

Interim Chief Louis answered questions from Board members:

**8. SUBCOMMITTEE REPORTS (discussion and action)**

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

- a. Fair & Impartial Policing Implementation. Chair Calavita: meeting February 3 at 3:30 p.m.
- b. Director Search. Co-chair Levine: plan to meet independently of any request from Byers Group to do so.
- c. Regulations. Chair Chang: meeting tomorrow night and February 3 at 6:45 p.m. Encourage BPA members to attend.
- d. Mental Health Response (Policy Complaint #7) – meeting to be scheduled.

**9. OLD BUSINESS (discussion and action)**

- a. Further report on City Attorney conflict-of-interest issues and possible next steps.

Discussed; no action.

- b. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODP.

*(Postponed to the next meeting.)*

- c. Update from Police Department regarding the October 15 incident involving a gun on the Berkeley High Campus.

Discussed; no action.

- d. Vaccination status of BPD employees.

Discussed; no action.

- e. PAB Standing Rules.

i.) Review Interim Director's revisions to Mayor's proposed amendments to Standing Rules, and approve or offer alternate revisions.

**Motion to accept the changes proposed by the Interim Director to the Mayor's amendments and submit to the City Council for ratification.**

Moved/Second (Calavita/Harris) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

ii.) Authorize Chair and Vice-Chair to appear at City Council meeting regarding Standing Rules.

**Motion to authorize the Chair and Vice-Chair to appear at the City Council meeting regarding Standing Rules.**

Moved/Second (Owens/Moore) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

- f. Automated License Plate Readers (ALPRs): Review BPD's proposed ALPR Use Policy and Councilmember Harrison's proposed revisions, and provide feedback.

**Motion to support the ALPR Use Policy proposed by Councilmember Harrison.**

Moved/Second (Calavita/Levine) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

- g. Consider opening a policy review regarding authorizing paramedics to inject suspect with a substance (possibly a sedative).

**Motion to open policy review into authorizing a paramedic to inject a suspect with a substance.**

Moved/Second (Mizell/Calavita) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

- h. Policy Complaints #11 and #12: consider whether to open review of policies.

**Motion to decline to open the complaints.**

Moved/Second (Owens/Calavita) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

## 10. NEW BUSINESS (discussion and action)

- a. Decide whether to initiate an investigation into the death of a man released from Berkeley Police custody on or about January 9, 2022.

**Motion to initiate an investigation into the death of the man released from Berkeley Police custody on or about January 9, 2022.**

Moved/Second (Ramsey/Calavita) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

b. Election of PAB Chairperson and Vice-Chairperson

No further nominations were made for Chairperson.

**Board member Chang was elected Chairperson by acclamation.**

No further nominations were made for Vice-Chairperson

**Board Member Mizell was elected Vice-Chairperson by acclamation.**

**11. PUBLIC COMMENT**

2 speakers.

**12. ADJOURNMENT**

**Motion to adjourn the meeting.**

**Moved/Second (Calavita/Levine) By general consent, the meeting was adjourned at 9:46 p.m.**

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**POLICE ACCOUNTABILITY BOARD  
SUBCOMMITTEES LIST  
12-9-21**

Subcommittee	Board Members	Chair	BPD Reps
<b>Regulations</b> Formed 7-7-21	Calavita Chang Leftwich Owens  <u>Public:</u> Kitt Saginor	<b>Chang</b>	Lt. Dan Montgomery
<b>Director Search</b> Formed 8-4-21	Levine Mizell Moore  <u>Public:</u> Rivka Polatnick Marc Staton	<u>Co-chairs</u> Levine Moore	
<b>Fair &amp; Impartial Policing Implementation</b> Formed 8-4-21	Calavita Moore Owens Ramsey  <u>Public:</u> George Lippman Elliot Halpern Jamie Crook	<b>Calavita</b>	Sgt. Peter Lee
<b>Mental Health Response</b> Formed 11-10-21	Harris Levine  <u>Public:</u> Elena Auerbach		Sgt. Joe LeDoux



425.18.1 Police Accountability Board~~POLICE-REVIEW-COMMISSION (PRC)~~

Access to recorded files will be granted for the purposes of review to the Police Accountability Board, Director of Police Accountability and Police Accountability Board investigators ~~Police Review~~

~~Commission Officer and/or Investigator in the furtherance of it duties investigating a specific complaint where BWC evidence files are available, and are not part of any ongoing criminal investigation.~~

(a) The PAB, DPA and PAB investigators ~~PRC Officer and PRC Investigator~~ will be provided user account access to evidence files through the evidence management system or other electronic means for their use in the furtherance of their duties, during a complaint investigation and to facilitate viewing by Board of Inquiry members during a Board of Inquiry.

{b) The PAB, DPA and PAB investigators ~~PRC Officer and PRC investigator~~ shall not make or create a copy of any evidence file, nor make or allow to be made any audio or video recording of any evidence file while it is being streamed and viewed from the evidence management system.

(c) The PRC Officer and PRC Investigator shall not allow any unauthorized individuals to view or access evidence files.

{d) The evidence management system associates an audit trail record with each evidence file, thereby logging the date, time, user, activity, and client IP address occurring during each evidence file access.

(e) The evidence management system shall only be accessed on City premises.

(f) The Department retains custody and control of the recordings, and content of the video will be subject to applicable legal standards including, but not limited to the confidentiality requirements of the Public Safety Officers' Procedural Bill of Rights, (Government Code § 3300, et seq., Penal Code § 832.7, and the California Public Records Act; Government Code § 6250, et seq.)



425.18.1 Police Accountability Board

Access to recorded files will be granted for the purposes of review to the Police Accountability Board, Director of Police Accountability and Police Accountability Board investigators in the furtherance of it duties

(a) The PAB, DPA and PAB investigators will be provided user account access to evidence files through the evidence management system or other electronic means for their use in the furtherance of their duties. .

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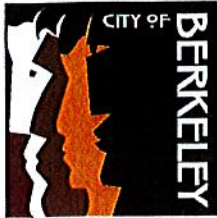
(c) The PRC Officer and PRC Investigator shall not allow any unauthorized individuals to view or access evidence files.

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Terry Taplin  
Councilmember District 2

## SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3

Meeting Date: January 25, 2022

Item Number: 27

**Item Description: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**

Submitted by: Councilmember Taplin

The District 2 office submits the following amendments to the District 4 office's supplemental for consideration:

1. Amend Section 1302.3(c)(1): replace subsection with affirmation that "existing laws prohibiting trespassing and unlawful search and seizure shall be followed."
2. Amend Section 1302.3(c)(2): append reference to existing BPD policies prohibiting harassment and intimidation, and pertinent disciplinary actions, including but not limited to General Order P-26.
3. Strike Section 1302.3(c)(6). This would prohibit the use of parking enforcement ALPR data in criminal investigations, even if parked vehicles are in a crime scene under investigation, thus endangering public safety by hindering investigatory capacity.
4. Strike Section 1302.3(c)(7). Parking Enforcement Officers (PEOs) should be able to match ALPR data to other databases where information on suspended or revoked licenses and open arrest warrants may be stored. Stolen vehicles are not the only public safety purpose in which PEOs may be of assistance.
5. Amend Section 1302.4: specify that only authorized staff may access CLETS data pursuant to the California Department of Justice's CLETS Policies, Practices, and Procedures Section 1.9.3 and Section 1.9.4.



## Surveillance Use Policy – Automatic License Plate Readers

### 1302.1 PURPOSE

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

The policy of the Berkeley Police Department is to utilize ALPR technology to capture and store digital license plate data and images for Parking Enforcement Operations and Parking Occupancy Analysis while recognizing the established privacy rights of the public.

### 1302.2 DEFINITIONS

“Alleged Parking Violation” means an alleged violation of time limits in parking areas designated by state and local law, or a violation of time limits and/or non-permit parking in the City’s RPP zones.

“ALPR Read Image” means images of license plates, vehicles, wheels or any other incidentally captured image.

“ALPR Read” means computer-readable data captured by an ALPR Reader, including ALPR Read Image and associated ALPR Read Metadata. ~~ALPR Reads are transient means to create potential government records, to include Parking Occupancy Analysis data and Enforced Citations, and therefore shall not be considered a government record itself pursuant to Government Code § 34090.6.~~

“ALPR Hit” means an Alleged Parking Violation or State Stolen ~~or Wanted~~-System alert resulting from computer generated analysis of ALPR Reads by the Genetec ALPR System resulting in an apparent:

(1) match between an ALPR Read and ALPR Read Metadata stored in the Genetec ALPR System, to include the State Stolen ~~or Wanted~~-System; or

(2) incongruence between an ALPR Read and permit information stored in the Passport Parking Management System.

“ALPR Read Metadata” means any image-based or other metadata, including but not limited to, global positioning system coordinates, block face information, tire position information, digitized license plates in alphanumeric characters, and timestamps.

“Automated License Plate Reader” or “ALPR” means one or more Genetec AutoVu mobile cameras affixed to Parking Enforcement Scooters and combined with computer software and algorithms to read and convert images of license plates, the characters they contain, and associated ALPR Read Metadata related to Parking Enforcement Operations or Parking Occupancy Analysis into computer-readable data.

“Deploy” or “Deployment” means any operation or use of ALPR Readers affixed to Parking Enforcement Scooters.



"Enforced ALPR Hit" means an Alleged Parking Violation confirmed by a Parking Enforcement Officer that results in the transmission of associated ALPR Read Image and ALPR Read Metadata to the Passport Parking Management System for storage in a database as a government record for the purpose of citation processing.

"Genetec ALPR System" means the computerized Genetec server and database that stores and pushes ALPR Read Metadata generated by ALPR Readers.

"Residential Parking Permits" or "RPP" means an annual, visitor, merchant or in-home care parking permit, typically represented by a vehicle's license plate, and associated with the City's Residential Parking Permit program across designated zones.

"Parking Enforcement Scooter" means the GO-4 three-wheeled parking enforcement vehicle.

"Parking Enforcement Officers" means employees of the City who work weekly rotations on Parking Enforcement Operations beats throughout the City and are properly trained to operate ALPRs and access the Genetec ALPR System.

"Parking Enforcement Operations" means Parking Enforcement Officer enforcement of parking regulations associated with local ordinances, the California Vehicle Code, and State Stolen or Wanted System enforcement through Parking Enforcement Scooter-based automated (ALPR) and non-automated means.

"Personally Identifiable Information" or "PII" means information:

(1) that directly identifies an individual (e.g., name, address, vehicle registration number, or other identifying number or code, telephone number, email address, etc.) or

(2) by which the City or other agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification.

"Parking Occupancy Analysis" means ongoing computational or algorithmic analyses performed by Passport Parking Management System or the City of Berkeley on ALPR Read Metadata regarding the occupancy of total parking spaces across commercial districts as part of goBerkeley, the City's data-driven, demand-responsive parking management program. ALPR Read Metadata data associated with Parking Occupancy Analysis shall not include any license plate or other PII information.

"Parking Permit Application" means an application submitted to the City for RPP or other permit that may include but is not limited to PII such as names, address, photo identification, vehicle registration (license plate and vehicle identification number), phone number and email address.

"Passport Automatic Occupancy Data Collection System" means the server and database whereby the Passport Parking Management System vendor, on behalf of the City, downloads, stores and transfers Parking Occupancy Analysis ALPR Read

Metadata stripped of any and all PII before being transferred to the goBerkeley program.

"Passport Parking Management System" means the servers and databases maintained by Passport Labs Incorporated, containing the database of the license plate numbers and other PII associated with Parking Permit Applications and Residential Parking Permits, and including historic parking citation data, to include Enforced Hits.

"PocketPEO" means a mobile device providing handheld ticket issuance and ALPR data reference capabilities.

"State Stolen ~~or Wanted~~ System" means information from the California Law Enforcement Telecommunications System's (CLETS) Department of Motor Vehicles (DMV) Stolen Vehicle System (SVS) database providing data regarding stolen vehicles, ~~and the Federal Bureau of Investigation's National Crime Information Center (NCIC) database of and wanted vehicles.~~

### 1302.3 AUTHORIZED AND PROHIBITED USES

Use of an ALPR is restricted to the purposes outlined below.

All data and images gathered by the ALPR are for official use by the Berkeley Police Department for Parking Enforcement Operations and may be retroactively queried in limited circumstances only as specified by this policy.

~~In addition, ALPR data may be used by the Finance, Information Technology (IT), Customer Service, and Public Works Departments only as specified herein this policy, and consistent with Parking Enforcement Operations and Parking Occupancy Analysis. Since such data may contain confidential information, it is not Data that is considered confidential under recent state Supreme Court rulings is not open to public review, except as specified.~~

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Berkeley Police Department members or other Departments shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Anyone who engages in an impermissible use of the Genetec ALPR system or associated scan files or hot lists may be subject to administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

(a) An ALPR shall only be Deployed and used for Parking Enforcement Operations, and Parking Occupancy Analysis.

(b) ALPR data strictly obtained from Parking Enforcement Operations retained pursuant to this use policy, including data and metadata associated with ALPR Reads and Hits,

may be used to support a specific criminal investigation only pursuant to a valid court order, subpoena, or a search warrant.

(c) The following uses of the Genetec ALPR System are specifically prohibited:

(1) Invasion of Privacy

~~Except when done pursuant to a court order, subpoena, or a search warrant, it is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment). Existing laws prohibiting trespassing and unlawful search and seizure shall be followed.~~

(2) Harassment or Intimidation

It is a violation of this Policy to use the Genetec ALPR system to harass and/or intimidate any individual or group, pursuant to BPD General Order P-26.

(3) Use Based on a Protected Characteristic.

It is a violation of this Policy to use the ALPRs or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by state and federal law.

(4) Personal Use

It is a violation of this Policy to use the Genetec ALPR System or associated ALPR Read data or the State Stolen or Wanted System hot lists for any personal purpose.

(5) First Amendment Rights

It is a violation of this Policy to use ALPRs or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

~~(6) Criminal Enforcement~~

~~It is a violation of this Policy to use or Deploy ALPRs to scan or canvass license plates in connection with any crime scene, patrol operation, or investigation.~~

~~(7) Use of Hot Lists~~

~~It is a violation of this Policy to use the Genetec ALPR System in conjunction with any hot list other than the State Stolen or Wanted System.~~

**1302.4 DATA COLLECTION AND RETENTION**



The Investigations Division Captain, or their designee, is responsible for ensuring proper collection and retention of ALPR data. Technical support and assistance shall be provided by the City of Berkeley's IT department and associated Genetec ALPR system providers/vendors as identified below.

IT's role will be limited to providing initial infrastructure set-up and accessing or viewing individual records or reports (potentially including PII or CLETS information as authorized by the Chief of Police), limited to the purposes of testing the accuracy of the equipment. Genetec ALPR System data provided to Parking Control Officers may also contain confidential CLETS information and is not open to public review.

ALPR information gathered and retained by the Berkeley Police Department may only be used and shared with prosecutors or other law enforcement agencies pursuant to a valid court order, subpoena, or a search warrant and as limited by this policy.

(a) ALPR Read Images

ALPR Read Images and Metadata resulting from ALPR Reads stored locally on Parking Control Officer Vehicle laptops and PocketPEO shall be purged at least nightly.

In no case shall ALPR Read Images resulting from ALPR Reads be transmitted to or stored in the Genetec ALPR System.

(b) ALPR Reads Not Resulting in ALPR Hits

All ALPR Read Metadata from ALPR Reads transmitted and stored in the Genetec ALPR System shall be purged within five (5) days consistent with the City's 72-Hour Rule (BMC Section 14.36.050).

In no case shall ALPR Read Metadata in the form of license plate data or other PII be transmitted to or stored in the Passport Automatic Occupancy Data Collection System.

(c) ALPR Hits

All ALPR Read Images, Metadata, and Hits resulting from ALPR Reads stored locally on Parking Control Officer Vehicle laptops and PocketPEO shall be purged at least nightly.

In no case shall data associated with ALPR Hits be transmitted to or stored in the Genetec ALPR System, nor shall license plate data or other PII included as part of ALPR Read Metadata be transmitted to or stored by the City for Parking Occupancy Analysis (goBerkeley), to include the Passport Automatic Occupancy Data Collection System or as City Department records.

(d) Unenforced ALPR Hits

All erroneous and unenforced ALPR Hit data and Read Metadata shall be purged locally at least nightly.

(e) Enforced ALPR Hits

Only ALPR Read Images and Metadata associated with Enforced ALPR Hits shall be downloaded to the Passport Parking Management servers with a minimum retention period of one year (~~Government Code § 34090.6~~) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal action pursuant to a valid court order, subpoena, or a search warrant or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

### 1302.5 DATA ACCESS

(a) Only properly trained Parking Control Officers and information technology personnel are allowed access to the Genetec ALPR system or to collect ALPR information.

(b) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training, which shall include complying with this use policy.

(c) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so pursuant to California Department of Justice's CLETS Policies, Practices, and Procedures Section 1.9.3 and Section 1.9.4

~~(cd) If a Sworn officer is called to verify a stolen vehicle, if~~ practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR Hit.

~~(e) Police will not take any police action that restricts the freedom of any individual based solely on an ALPR Hit unless it has been validated as described above in (d).~~

~~(1) Police need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. For example, if a vehicle is entered into the system because of its association with a wanted individual, Officers should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.~~

~~(2) Prior to initiation of a stop of a vehicle or other intervention based on an ALPR Hit, Department members shall undertake the following:~~

~~(i) Verification of status on State Stolen or Wanted System.~~

~~An officer must receive confirmation from a Police Department Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).~~



~~(ii) Visual verification of license plate number.~~

~~(d) Sworn~~ Officers shall visually verify that the license plate of interest matches identically with the ALPR Read Image of the license plate number captured (ALPR Read) by the ALPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Department members alerted to the fact that an observed motor vehicle's license plate is entered as an ALPR Hit in a specific State Stolen ~~or Wanted~~ System list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.

**1302.6 CIVIL LIBERTIES AND RIGHTS PROTECTION:**

The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors. The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. The procedures described within this policy (Data Access, Data Protection, Data Retention, Public Access and ~~Third-Party Data Sharing~~) protect against the unauthorized use of ALPR data. These policies ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to impacts that may violate the First and Fourth Amendments and other potentially disparate or adverse impacts on any communities or groups.

The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for the purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) – these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).

**1302.7 PUBLIC ACCESS**

Non-law enforcement requests for information regarding a specific vehicle's license plate may be honored when the requester is the registered owner of the vehicle in question, and when providing such information will not invade the privacy of a third party. The requester in such cases must provide acceptable proof of his or her identity and of ownership of the vehicle in question.

**1302.8 THIRD-PARTY DATA-SHARING**

(a) Non-law enforcement requests for access to stored ALPR data related to parking management shall be processed according to this policy, and the Records Maintenance and Release Policy in accordance with applicable law.

(b) The ALPR data may be shared only with other law enforcement or prosecutorial agencies ~~for official law enforcement purposes or~~ as permitted by this policy ~~and under~~

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~~no circumstances. ALPR data is subject to the provisions of BPD Policy 415, and hence may not~~ be shared with federal immigration enforcement officials.

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Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided ~~by this policy and in~~ the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

Aggregated ALPR data not related to specific criminal investigations authorized by a court order, subpoena, or search warrant shall not be released to any local, state or federal agency or entity without the express written consent of the City Manager ~~and only in accordance with this Use Policy.~~

Third-party data-sharing shall be subject to non-privileged and non-confidential City Council notification pursuant to BMC 2.99.020 (2) (a).

### 1302.9 TRAINING AND ALPR ADMINISTRATOR

Training for the operation of ALPR technology shall be provided by BPD personnel. All BPD employees who utilize ALPR technology shall be provided a copy of this Surveillance Use Policy.

(1) The Investigations Division Captain shall be responsible for compliance with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(i) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the Genetec ALPR system or to collect ALPR information.

(ii) Ensuring that training requirements are completed for authorized users. The Administrator shall ensure that members receive department-approved training for those authorized to use or access ALPRs (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(iii) A description of how the Genetec ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(iv) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52 ~~and this Use Policy.~~

(v) The title and name of the current designee in overseeing the ALPR operation.

(vi) Ensuring this policy and related procedures are conspicuously posted on the City's website.

### 1302.10 AUDITING AND OVERSIGHT

Genetec ALPR System audits will be conducted by the Professional Standards Bureau's (PSD) Audit and Inspections Sergeant pursuant to Municipal Code Section BMC 2.99.020 4. k. on a regular basis, at least biannually.

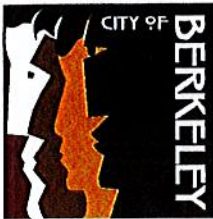
(1) Any unauthorized access or data breach shall be reported immediately to the City Manager.

(2) The audit shall be documented in the form of 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 placed into the annual report filed with the City Council pursuant to BMC Section 2.99.020 2. d., published on the City of Berkeley website in an appropriate location, and retained by PSD.

#### **1302.11 MAINTENANCE**

Any installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigations Division Captain or his or her designee. The Investigations Division Captain will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.





Kate Harrison  
Councilmember District 4

## REVISED AGENDA MATERIAL for Supplemental Packet 2

**Meeting Date:** November 30, 2021

**Item Number:** 27

**Item Description:** Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

**Submitted by:** Councilmember Harrison

The supplemental includes updates to the ALPR Use Policy, as follows:

- Removes reference to Government Code Section 34090 consistent with SB 34 (providing for a local government to set ALPR retention limits).
- Clarifies that the definition of the State Stolen System includes the DMV's SVS database.
- Clarifies the type of data that is considered confidential pursuant to recent State Supreme Court rulings.
- Fixes inconsistency under the "Invasion of Privacy" section.
- Adds missing reference to state and federal law under "Use Based on a Protected Characteristic" section.
- Clarifies IT's role in maintaining accuracy and functionality of ALPR equipment.
- Further clarifies distinction between ALPR Read Images and ALPR Hits.
- Strikes extraneous language regarding Sworn Officer stolen vehicle verification procedures.
- Clarifies that ALPR data may only be shared with law enforcement or prosecutorial agencies as permitted by the Policy.
- Adds specific references to BMC sections under the auditing and oversight section.
- Adds other non-substantive changes.

## Surveillance Use Policy – Automatic License Plate Readers

### 1302.1 PURPOSE

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

The policy of the Berkeley Police Department is to utilize ALPR technology to capture and store digital license plate data and images for Parking Enforcement Operations and Parking Occupancy Analysis while recognizing the established privacy rights of the public.

### 1302.2 DEFINITIONS

“Alleged Parking Violation” means an alleged violation of time limits in parking areas designated by state and local law, or a violation of time limits and/or non-permit parking in the City’s RPP zones.

“ALPR Read Image” means images of license plates, vehicles, wheels or any other incidentally captured image.

“ALPR Read” means computer-readable data captured by an ALPR Reader, including ALPR Read Image and associated ALPR Read Metadata. ALPR Reads are transient means to create potential government records, to include Parking Occupancy Analysis data and Enforced Citations, ~~and therefore shall not be considered a government record itself pursuant to Government Code § 34090.6.~~

“ALPR Hit” means an Alleged Parking Violation or State Stolen ~~or Wanted~~ System alert resulting from computer generated analysis of ALPR Reads by the Genetec ALPR System resulting in an apparent:

- (1) match between an ALPR Read and ALPR Read Metadata stored in the Genetec ALPR System, to include the State Stolen ~~or Wanted~~ System; or
- (2) incongruence between an ALPR Read and permit information stored in the Passport Parking Management System.

“ALPR Read Metadata” means any image-based or other metadata, including but not limited to, global positioning system coordinates, block face information, tire position information, digitized license plates in alphanumeric characters, and timestamps.

“Automated License Plate Reader” or “ALPR” means one or more Genetec AutoVu mobile cameras affixed to Parking Enforcement Scooters and combined with computer software and algorithms to read and convert images of license plates, the characters they contain, and associated ALPR Read Metadata related to Parking Enforcement Operations or Parking Occupancy Analysis into computer-readable data.

“Deploy” or “Deployment” means any operation or use of ALPR Readers affixed to Parking Enforcement Scooters.



“Enforced ALPR Hit” means an Alleged Parking Violation confirmed by a Parking Enforcement Officer that results in the transmission of associated ALPR Read Image and ALPR Read Metadata to the Passport Parking Management System for storage in a database as a government record for the purpose of citation processing.

“Genetec ALPR System” means the computerized Genetec server and database that stores and pushes ALPR Read Metadata generated by ALPR Readers.

“Residential Parking Permits” or “RPP” means an annual, visitor, merchant or in-home care parking permit, typically represented by a vehicle’s license plate, and associated with the City’s Residential Parking Permit program across designated zones.

“Parking Enforcement Scooter” means the GO-4 three-wheeled parking enforcement vehicle.

“Parking Enforcement Officers” means employees of the City who work weekly rotations on Parking Enforcement Operations beats throughout the City and are properly trained to operate ALPRs and access the Genetec ALPR System.

“Parking Enforcement Operations” means Parking Enforcement Officer enforcement of parking regulations associated with local ordinances, the California Vehicle Code, and State Stolen ~~or Wanted~~ System enforcement through Parking Enforcement Scooter-based automated (ALPR) and non-automated means.

“Personally Identifiable Information” or “PII” means information:

(1) that directly identifies an individual (e.g., name, address, vehicle registration number, or other identifying number or code, telephone number, email address, etc.) or

(2) by which the City or other agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification.

“Parking Occupancy Analysis” means ongoing computational or algorithmic analyses performed by Passport Parking Management System or the City of Berkeley on ALPR Read Metadata regarding the occupancy of total parking spaces across commercial districts as part of goBerkeley, the City’s data-driven, demand-responsive parking management program. ALPR Read Metadata data associated with Parking Occupancy Analysis shall not include any license plate or other PII information.

“Parking Permit Application” means an application submitted to the City for RPP or other permit that may include but is not limited to PII such as names, address, photo identification, vehicle registration (license plate and vehicle identification number), phone number and email address.

“Passport Automatic Occupancy Data Collection System” means the server and database whereby the Passport Parking Management System vendor, on behalf of the City, downloads, stores and transfers Parking Occupancy Analysis ALPR Read

Metadata stripped of any and all PII before being transferred to the goBerkeley program.

“Passport Parking Management System” means the servers and databases maintained by Passport Labs Incorporated, containing the database of the license plate numbers and other PII associated with Parking Permit Applications and Residential Parking Permits, and including historic parking citation data, to include Enforced Hits.

“PocketPEO” means a mobile device providing handheld ticket issuance and ALPR data reference capabilities.

“State Stolen ~~or Wanted~~-System” means information from the California Law Enforcement Telecommunications System’s (CLETS) Department of Motor Vehicles (DMV) Stolen Vehicle System (SVS) database providing data regarding stolen vehicles, ~~and the Federal Bureau of Investigation’s National Crime Information Center (NCIC) database of and wanted vehicles.~~

### 1302.3 AUTHORIZED AND PROHIBITED USES

Use of an ALPR is restricted to the purposes outlined below.

All data and images gathered by the ALPR are for official use by the Berkeley Police Department for Parking Enforcement Operations and may be retroactively queried in limited circumstances only as specified by this policy.

In addition, ALPR data may be used by the Finance, Information Technology (IT), Customer Service, and Public Works Departments only as specified herein this policy, and consistent with Parking Enforcement Operations and Parking Occupancy Analysis. ~~Since such data may contain confidential information, it is not~~Data that is considered confidential under recent state Supreme Court rulings is not open to public review; ~~except as specified.~~

Berkeley Police Department members or other Departments shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Anyone who engages in an impermissible use of the Genetec ALPR system or associated scan files or hot lists may be subject to administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

(a) An ALPR shall only be Deployed and used for Parking Enforcement Operations, and Parking Occupancy Analysis.

(b) ALPR data strictly obtained from Parking Enforcement Operations retained pursuant to this use policy, including data and metadata associated with ALPR Reads and Hits, may be used to support a specific criminal investigation only pursuant to a valid court order, subpoena, or a search warrant.



(c) The following uses of the Genetec ALPR System are specifically prohibited:

(1) Invasion of Privacy

~~Except when done pursuant to a court order, subpoena, or a search warrant,~~ it is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).

(2) Harassment or Intimidation

It is a violation of this Policy to use the Genetec ALPR system to harass and/or intimidate any individual or group.

(3) Use Based on a Protected Characteristic.

It is a violation of this Policy to use the ALPRs or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by state and federal law.

(4) Personal Use

It is a violation of this Policy to use the Genetec ALPR System or associated ALPR Read data or the State Stolen or Wanted System hot lists for any personal purpose.

(5) First Amendment Rights

It is a violation of this Policy to use ALPRs or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

(6) Criminal Enforcement

It is a violation of this Policy to use or Deploy ALPRs to scan or canvass license plates in connection with any crime scene, patrol operation, or investigation.

(7) Use of Hot Lists

It is a violation of this Policy to use the Genetec ALPR System in conjunction with any hot list other than the State Stolen ~~or Wanted~~ System.

### 1302.4 DATA COLLECTION AND RETENTION

The Investigations Division Captain, or their designee, is responsible for ensuring proper collection and retention of ALPR data. Technical support and assistance shall be provided by the City of Berkeley's IT department and associated Genetec ALPR system providers/vendors as identified below.

IT's role will be limited to providing initial infrastructure set-up and accessing or viewing individual records or reports (potentially including PII or CLETS information as authorized by the Chief of Police), limited to the purposes of testing the accuracy of the equipment. Genetec ALPR System data provided to Parking Control Officers may also contain confidential CLETS information and is not open to public review.

ALPR information gathered and retained by the Berkeley Police Department may only be used and shared with prosecutors or other law enforcement agencies pursuant to a valid court order, subpoena, or a search warrant and as limited by this policy.

(a) ALPR Read Images

ALPR Read Images ~~and Metadata~~ resulting from ALPR Reads stored locally on Parking Control Officer Vehicle laptops and PocketPEO shall be purged at least nightly.

In no case shall ALPR Read Images resulting from ALPR Reads be transmitted to or stored in the Genetec ALPR System.

(b) ALPR Reads Not Resulting in ALPR Hits

All ALPR Read Metadata from ALPR Reads transmitted and stored in the Genetec ALPR System shall be purged within five (5) days consistent with the City's 72-Hour Rule (BMC Section 14.36.050).

In no case shall ALPR Read Metadata in the form of license plate data or other PII be transmitted to or stored in the Passport Automatic Occupancy Data Collection System.

(c) ALPR Hits

All ALPR ~~Read Images, Metadata,~~ and Hits resulting from ALPR Reads stored locally on Parking Control Officer Vehicle laptops and PocketPEO shall be purged at least nightly.

In no case shall data associated with ALPR Hits be transmitted to or stored in the Genetec ALPR System, nor shall license plate data or other PII included as part of ALPR Read Metadata be transmitted to or stored by the City for Parking Occupancy Analysis (goBerkeley), to include the Passport Automatic Occupancy Data Collection System or as City Department records.

(d) Unenforced ALPR Hits

All erroneous and unenforced ALPR Hit data and Read Metadata shall be purged locally at least nightly.

(e) Enforced ALPR Hits

Only ALPR Read Images and Metadata associated with Enforced ALPR Hits shall be downloaded to the Passport Parking Management servers with a minimum retention period of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless



it has become, or it is reasonable to believe it will become, evidence in a criminal action pursuant to a valid court order, subpoena, or a search warrant or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

### 1302.5 DATA ACCESS

(a) Only properly trained Parking Control Officers and information technology personnel are allowed access to the Genetec ALPR system or to collect ALPR information.

(b) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training, which shall include complying with this use policy.

(c) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.

~~(cd) If a Sworn officer is called to verify a stolen vehicle, if~~ practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR Hit.

~~(e) Police will not take any police action that restricts the freedom of any individual based solely on an ALPR Hit unless it has been validated as described above in (d).~~

~~(1) Police need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. For example, if a vehicle is entered into the system because of its association with a wanted individual, Officers should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.~~

~~(2) Prior to initiation of a stop of a vehicle or other intervention based on an ALPR Hit, Department members shall undertake the following:~~

~~(i) Verification of status on State Stolen or Wanted System.~~

~~An officer must receive confirmation from a Police Department Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).~~

~~(ii) Visual verification of license plate number.~~

(d) Sworn Officers shall visually verify that the license plate of interest matches identically with the ALPR Read Image of the license plate number captured (ALPR Read) by the ALPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Department members alerted to the fact that an observed motor vehicle's license plate is entered as an ALPR Hit in a specific State Stolen ~~or Wanted~~-System list are required to make a reasonable effort to



confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.

### **1302.6 CIVIL LIBERTIES AND RIGHTS PROTECTION:**

The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors. The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. The procedures described within this policy (Data Access, Data Protection, Data Retention, Public Access and Third-Party Data Sharing) protect against the unauthorized use of ALPR data. These policies ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to impacts that may violate the First and Fourth Amendments and other potentially disparate or adverse impacts on any communities or groups.

The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for the purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) – these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).

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### **1302.8 THIRD-PARTY DATA-SHARING**

(a) Non-law enforcement requests for access to stored ALPR data related to parking management shall be processed according to this policy, and the Records Maintenance and Release Policy in accordance with applicable law.

(b) The ALPR data may be shared only with other law enforcement or prosecutorial agencies ~~for official law enforcement purposes or~~ as permitted by this policy and under no circumstances. ALPR data is subject to the provisions of BPD Policy 415, and hence may not be shared with federal immigration enforcement officials.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided by this policy and ~~in~~ the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

Aggregated ALPR data not related to specific criminal investigations authorized by a court order, subpoena, or search warrant shall not be released to any local, state or



federal agency or entity without the express written consent of the City Manager and only in accordance with this Use Policy.

Third-party data-sharing shall be subject to non-privileged and non-confidential City Council notification pursuant to BMC 2.99.020 (2) (a).

### **1302.9 TRAINING AND ALPR ADMINISTRATOR**

Training for the operation of ALPR technology shall be provided by BPD personnel. All BPD employees who utilize ALPR technology shall be provided a copy of this Surveillance Use Policy.

(1) The Investigations Division Captain shall be responsible for compliance with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(i) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the Genetec ALPR system or to collect ALPR information.

(ii) Ensuring that training requirements are completed for authorized users. The Administrator shall ensure that members receive department-approved training for those authorized to use or access ALPRs (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(iii) A description of how the Genetec ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(iv) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52 and this Use Policy.

(v) The title and name of the current designee in overseeing the ALPR operation.

(vi) Ensuring this policy and related procedures are conspicuously posted on the City's website.

### **1302.10 AUDITING AND OVERSIGHT**

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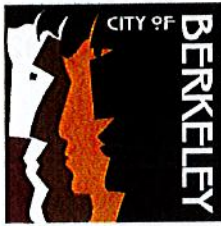
(1) Any unauthorized access or data breach shall be reported immediately to the City Manager.

(2) The audit shall be documented in the form of 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 placed into the annual report filed with the City Council pursuant to BMC Section 2.99.020 2. d., published on the City of Berkeley website in an appropriate location, and retained by PSD.

**1302.11 MAINTENANCE**

Any installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigations Division Captain. The Investigations Division Captain will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.



Office of the City Manager

ACTION CALENDAR

December 14, 2021

(Continued from November 30, 2021)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Interim Chief of Police  
LaTanya Bellow, Interim Deputy City Manager

Subject: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

RECOMMENDATION

Adopt a Resolution accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts associated with adopting the attached resolution.

CURRENT SITUATION AND ITS EFFECTS

On March 27, 2018, the City Council adopted Ordinance 7,592-N.S., adding Chapter 2.99 to the Berkeley Municipal Code, which is also known as the Surveillance Technology Use and Community Safety Ordinance ("Ordinance"). The purpose of the Ordinance is to provide transparency surrounding the use of surveillance technology, as defined by Section 2.99.020 in the Ordinance, and to ensure that decisions surrounding the acquisition and use of surveillance technology consider the impacts that such technology may have on civil rights and civil liberties. Further, the Ordinance requires that the City evaluate all costs associated with the acquisition of surveillance technology and regularly report on their use.

The Ordinance imposes various reporting requirements on the City Manager and staff. The purpose of this staff report and attached resolution is to satisfy the annual reporting requirement as outlined in Section 2.99.070.

One of the reporting categories of the surveillance technology use is whether complaints have been received by the community about the various technologies. To date Berkeley Police Department Internal Affairs Bureau (IAB) has not received any external personnel complaints surrounding the use of Automatic License Plate Readers,



(Continued from November 30, 2021)

GPS Trackers, or Body Worn Cameras. External complaints from community members can be made in writing, via email, in person or via telephone. Complaints can be received with direct communication to Internal Affairs from the complainant and/or be received by any member of the Department and then forwarded through the chain of command. If a community member initiates a complaint against a subject employee and during the investigation it is determined the subject employee violated policy regarding the misuse of technology, an additional complaint is initiated by the Chief of Police.

Community members also have the right to initiate complaints against employees of BPD by reporting directly to the Police Accountability Board (PAB). The Director of Police Accountability notifies the Chief of Police when an investigation into a complaint is initiated by the PAB, which would prompt a parallel IAB investigation.

Attached to this staff report are Surveillance Technology Reports for Automatic License Plater Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project.

#### BACKGROUND

On March 27, 2018, the City Council adopted Ordinance 7,592-N.S., adding Chapter 2.99 to the Berkeley Municipal Code, which is also known as the Surveillance Technology Use and Community Safety Ordinance. Section 2.99.070 of the Ordinance requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance at the first regular City Council meeting in November.

For each of the four technologies, the Surveillance Technology Reports were prepared to satisfy the specific, section-by-section requirements of the Ordinance, and are attached to this report.

The Surveillance Technology Use Policy for ALPR technology is still outstanding due Council questions about policy language, scheduling and directed focus during COVID-19. This item will be returned to the Council agenda in early 2022.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

City Council is being requested to adopt the attached resolution for the City to be in compliance with the Ordinance.

#### ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to adopt the resolution.

Resolution Accepting the Surveillance Technology Report

ACTION CALENDAR  
December 14, 2021

(Continued from November 30, 2021)

CONTACT PERSON

LaTanya Bellow, Interim Director of Information Technology (510) 981-6541  
Jennifer Louis, Acting Chief of Police, (510) 981-5700  
LaTanya Bellow, Interim Deputy City Manager, (510) 981-7012

ATTACHMENTS

1. Resolution
2. Body Worn Cameras
  - a) Surveillance Technology Report: Body Worn Cameras
  - b) Retention Schedule
3. Global Positioning System (GPS) Tracking Devices  
Surveillance Technology Report
4. Automated License Plate Readers  
Surveillance Technology Report: Automated License Plate Readers
5. Street Level Imagery Project  
Surveillance Technology Report: Street Level Imagery Project

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

A RESOLUTION ACCEPTING THE SURVEILLANCE TECHNOLOGY REPORT FOR AUTOMATIC LICENSE PLATE READERS, GPS TRACKERS, BODY WORN CAMERAS, AND THE STREET LEVEL IMAGERY PROJECT

WHEREAS, on March 27, 2018, the City Council adopted Ordinance 7,592-N.S., which is known as the Surveillance Technology Use and Community Safety Ordinance ("Ordinance"); and

WHEREAS, Section 2.99.070 of the Ordinance requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance at the first regular City Council meeting in November; and

WHEREAS, the Surveillance Technology Reports satisfy the requirements of the Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby accepts the Surveillance Technology Reports for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project.

Surveillance Technology Report: Body Worn Cameras

October 1, 2020 – Sept. 30, 2021

<p>Description</p>	<p>A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</p> <p>Body Worn Cameras are used to capture video recordings of contacts between department personnel and the public, to provide an objective record of these events. These recordings are used in support of criminal prosecutions, to limit civil liability, increase transparency and enhance professionalism and accountability in the delivery of police services to the community. Body Worn Camera (BWC) files are shared with the Alameda County District Attorney's office in support of prosecution for crime, and may be shared with other law enforcement agencies to support criminal investigations.</p> <p><b>Policy regarding activation of the Body Worn Camera BPD Policy 425.7</b></p> <p>Members shall activate the BWC as required by this policy in (a)-(f) below, and may activate the BWC at any time the member believes it would be appropriate or valuable to record an incident within the limits of privacy described herein.</p> <p>The BWC shall be activated in any of the following situations:</p> <ul style="list-style-type: none"> <li>(a) All in-person enforcement and investigative contacts including pedestrian stops and field interview (FI) situations.</li> <li>(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.</li> <li>(c) Self-initiated field contacts in which a member would normally notify the Communications Center.</li> <li>(d) Any search activity, including the service of search or arrest warrants; probation, parole, or consent searches where the member is seeking evidence of an offense, or conducting a safety sweep or community caretaking sweep of the premises. Once a location has been secured and the member is not interacting with detainees or arrestees, the member may mute their BWC when conducting a search for evidence.</li> <li>(e) Any other contact that the member determines has become adversarial after the initial contact in a situation where the member would not otherwise activate BWC recording.</li> <li>(f) Transporting any detained or arrested person and where a member facilitates entry into or out of a vehicle, or any time the member expects to have physical contact with that person.</li> </ul> <p><b>What data is captured by this technology:</b></p> <p>BWC use is limited to enforcement and investigative activities involving members of the public. The BWC recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, training, civil litigation, and other proceedings protected by confidentiality laws and department policy. Improper use or release of BWC</p>
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	<p>recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded and is prohibited.</p> <p><b>How the data is stored:</b>                  BWC videos are stored on a secure server. All BWC data will be uploaded and stored on Axon Cloud Services, Evidence.com. Axon complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States (collectively, "Privacy Shield"). Axon has certified to the U.S. Department of Commerce that it adheres to the Privacy Shield Principles.</p> <p><b>Retention period of data:</b>                  See attached retention schedule.</p> <p>Summary of Body Worn Camera Videos Uploaded Oct. 1, 2020 to Sept. 30, 2021:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">Total Number of Videos</td> <td style="text-align: right;">62,283</td> </tr> <tr> <td>Total Hours of Videos</td> <td style="text-align: right;">16,310</td> </tr> <tr> <td>Total GB of BWC Videos</td> <td style="text-align: right;">29,017</td> </tr> </table> <p>Summary of Digital Evidence Uploaded, Oct. 1, 2020 to Sept. 30, 2021:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="padding-right: 20px;">Type</th> <th style="padding-right: 20px;">File Count</th> <th style="text-align: right;">Size (GBs)</th> </tr> </thead> <tbody> <tr> <td>Audio</td> <td style="text-align: right;">1,150</td> <td style="text-align: right;">11.72</td> </tr> <tr> <td>Document</td> <td style="text-align: right;">737</td> <td style="text-align: right;">2.38</td> </tr> <tr> <td>Image</td> <td style="text-align: right;">67,672</td> <td style="text-align: right;">331.36</td> </tr> <tr> <td>Other</td> <td style="text-align: right;">1,292</td> <td style="text-align: right;">157.71</td> </tr> <tr> <td>Video*</td> <td style="text-align: right;">67,865</td> <td style="text-align: right;">30,086.75</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>138,716</b></td> <td style="text-align: right;"><b>30,589.92</b></td> </tr> </tbody> </table> <p>* Includes all uploaded BWC videos and all other videos booked into the evidence management system. Other videos include iPhone videos uploaded, security camera video, copies of BWC videos (for redaction, etc.), and any other videos.</p>	Total Number of Videos	62,283	Total Hours of Videos	16,310	Total GB of BWC Videos	29,017	Type	File Count	Size (GBs)	Audio	1,150	11.72	Document	737	2.38	Image	67,672	331.36	Other	1,292	157.71	Video*	67,865	30,086.75	<b>Total</b>	<b>138,716</b>	<b>30,589.92</b>
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<p><b>Geographic Deployment</b></p>	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>Body Worn Cameras are worn by all BPD uniformed officers city-wide at all times; BWCs are not deployed based on geographic considerations.</p>																											
<p><b>Complaints</b></p>	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There have been no complaints about the deployment and use of Body Worn Cameras.</p>																											
<p><b>Audits and Violations</b></p>	<p>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.</p>																											



	File meta-data are routinely reviewed by our BWC manager, to ensure required metadata fields are completed. There have been no complaints with regards to violations of the Surveillance Use Policy.
Data Breaches	<p>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.</p> <p>There have been no known data breaches or other unauthorized access to BWC data.</p>
Effectiveness	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>Body Worn Cameras have proven effective in supporting criminal prosecutions, as video footage is available for all criminal prosecutions. Body Worn Cameras have been effective for training purposes, as footage can be reviewed in incident de-briefs. Body Worn Cameras have been extremely effective in support of Internal Affairs investigations and Use of Force Review.</p>
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The annual cost for the Body Worn Cameras, including cameras, replacement cameras, software, and Axon's secure digital evidence management system is approximately \$204,000 per year over a five-year, \$1,218,000 contract. There is one full-time employee assigned to the BWC program, an Applications Programmer Analyst II, at a cost of \$168,940 per year, including benefits.</p>

NAME	RETENTION DURATION
Uncategorized	Until manually deleted
187 / Felony Sex Assault	Until manually deleted
Civil / City / Non-Evidence	1 year
Collision	2 years
Consent / Aid	108 weeks
Detention / Warrant Only	108 weeks
Felony Evidence	5 years
Litigation	Until manually deleted
Misdemeanor Evidence	2 years
Officer Injury	Until manually deleted
OIS / Critical Incident	Until manually deleted
Pending Review	Until manually deleted
Personnel / VSA	3 years
Personnel Complaint	Until manually deleted
Traffic Stop	108 weeks
Training	60 days
Use of Force	108 weeks
z_Saved	Until manually deleted

**Surveillance Technology Report: Global Positioning System Tracking Devices**

**October 1, 2019 – Sept. 30, 2020**

<p><b>Description</b></p>	<p>A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</p> <p>Global Positioning System Trackers are used to track the movements of vehicles, bicycles, other items, and/or individuals.</p> <p><b>What data is captured by this technology:</b> A GPS Tracker data record consists of date, time, latitude, longitude, map address, and tracker identification label. The data does not contain any images, names of subjects, vehicle information or other identifying information on individuals.</p> <p><b>How the data is stored:</b> The data from the GPS tracker is encrypted by the vendor. The data is only accessible through a secure website to BPD personnel who have been granted security access.</p> <p><b>Retention period of data:</b> Tracker data received from the vendor shall be kept in accordance with applicable laws, BPD policies that do not conflict with applicable law or court order, and/or as specified in a search warrant.</p> <p>For the date range of 10-01-19 through 09-30-20 the Global Positioning System (GPS) "Electronic Stake Out" (ESO) devices were deployed on "bait" bicycles 52 times, resulting in 34 arrests, 4 eluded capture, 1 person was detained and not arrested, and in 13 deployments the bicycle was not stolen. This program was suspended in mid-March due to the COVID-19 pandemic.</p> <p>GPS "Slap-N-Track" (SNT) devices were used in three separate investigations during this reporting period:</p> <ul style="list-style-type: none"> <li>(1) An investigation of an individual for Sexual Exploitation, Child Pornography, and Distribution of Child Pornography. This suspect currently has a Federal warrant.</li> <li>(2) An investigation of a serial kidnap rape suspect. The suspect was arrested and charged.</li> <li>(3) An investigation into multiple suspects involved in a "Rolex" robbery series that involved the cities of Berkeley, Piedmont, and Orinda. Two devices were used on two different suspect vehicles during this investigation. Four suspects from the above cases were arrested and charged for their involvement in these robberies.</li> </ul>
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	Data may be shared with the District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence; other law enforcement personnel as a part of an active criminal investigation; and other third parties, pursuant to a court order.
Geographic Deployment	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>GPS ESO-equipped bikes were deployed primarily in commercial districts across the city where bikes are frequently stolen.</p> <p>GPS SNT devices are deployed with judicial pre-approval, based on suspect location, rather than geographical consideration.</p>
Complaints	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There were no complaints made regarding GPS Trackers.</p>
Audits and Violations	<p>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.</p> <p>There were no audits and no known violations relating to GPS Trackers.</p>
Data Breaches	<p>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.</p> <p>There were no known data breaches relating to GPS Trackers.</p>
Effectiveness	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>GPS Trackers continue to be very effective in apprehending bicycle thieves, many of whom are repeat offenders who've committed not only bike thefts, but other crimes as well, such as burglaries, auto burglaries, and vehicle thefts. SNT trackers are effective in that they provide invaluable information on suspect vehicle location during the investigation of complex cases where suspects may be moving around the Bay Area and beyond.</p> <p>GPS Trackers greatly reduce costs associated with surveillance operations. A bike may be left for days. Surveillance operations generally involve four or more officers for the entire duration of an operation. A moving surveillance is extremely resource-intensive, requiring multiple officers in multiple vehicles for extended periods of time. Using both types of GPS trackers eliminates the need for officers' immediate presence until officers are ready to apprehend the suspect(s).</p> <p>The program was suspended in mid-March due to the COVID-19 pandemic. This program will likely resume once the pre-COVID bail schedule is re-established.</p>
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.

	<p>The annual cost for the GPS Trackers' data service is \$1,920. Further information regarding costs is contained in Policy 1301a, the Surveillance Acquisition Report.</p> <p>There are staff time costs associated with preparing and placing SNT trackers. The investigator must prepare a search warrant and obtain a judge's approval, and a small number of officers must place the tracker on the suspect's car. The total number of hours is a fraction of the time it would take to do a full surveillance operation involving numerous officers.</p> <p>There are staff time costs associated with preparing ESO trackers and placing ESO tracker-equipped bikes for bait bike operations. These are on the order of two-four hours per operation. The total number of hours is extremely small, given the large number of operations, and resulting arrests.</p>
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**Surveillance Technology Report: Automated License Plate Readers**

**October 1, 2019 – Sept. 30, 2020**

<p><b>Description</b></p>	<p>A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</p> <p>Automated License Plate Readers (ALPRs) are used by Parking Enforcement Bureau vehicles for time zone parking and scofflaw enforcement. The City's Transportation Division uses anonymized information for purposes of supporting the City's Go Berkeley parking management program. ALPR use replaced the practice of physically "chalking" tires, which is no longer allowed by the courts.</p> <p><b>What data is captured by this technology:</b> ALPR technology functions by automatically capturing an image of a vehicle's license plate, transforming that image into alphanumeric characters using optical character recognition software, and storing that information, along with relevant metadata (e.g. geo-location and temporal information, as well as data about the ALPR).</p> <p><b>How the data is stored:</b> The data is stored on a secure server by the vendor.</p> <p><b>Retention period of data:</b> Collected images and metadata of hits are stored no more than 365 days. Metadata of reads are not stored more than 30 days.</p> <p style="text-align: center;"><b>Summary of ALPR Time Zone Enforcement Data</b></p> <p style="text-align: center;">Read Data There was an average of 12,059 "Reads" per working day (Based on one month's data: 9/1/20/-9/30/20)</p> <p style="text-align: center;">Hit Data There were 44,068 "Hits" 14, 945 "Enforced Hits" resulted in citation issuance. 2,569 "Not Enforced" valid, enforceable hits resulted in no citation issued, based on PEO discretion.</p> <p>26,554 Hits were not acted upon for a variety to reasons including but not limited to:</p> <ol style="list-style-type: none"> <li>1) Customer comes out to move a vehicle. PEO's are directed not to issue that citation.</li> <li>2) Officer gets to the dashboard and sees a permit not visible from a previous location.</li> <li>3) Officer does a vehicle evaluation and confirms that the vehicle moved from the hit location (e.g. across the street within GPS range).</li> <li>4) Stolen car.</li> <li>5) Similar Plates.</li> <li>6) 600-700 GIG cars- 100 revel scooters.</li> </ol>
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	<p>7) Officers leave their LPR "on" collecting time zone enforcement data, but leave the area being enforced to drive to another location on another assignment, such as a traffic post at a collision scene. These hits are not enforced.</p> <p>Genetec is the vendor for the ALPR Time Zone enforcement system. A "read" indicates the ALPR system successfully read a license plate. The information that is generated when a plate is viewed by the ALPR camera is the license plate number, state and geographical (GPS) location it was viewed. A "hit" indicates the ALPR system detected a possible violation, which prompts the Parking Enforcement Officer to further assess the vehicle. A "hit" is when the "read" information is recognized as a license plate that matches, or does not match an entry in a list such as permit list or the stolen vehicle "hot list". In many cases, hits are "rejected" or "not enforced", meaning no enforcement action is taken, because the Parking Enforcement Officer determines the vehicle has an appropriate placard or permit, or there is other information or assignment which precludes citation.</p> <p style="text-align: center;"><b>Summary of ALPR Booting Scofflaw Enforcement Data</b></p> <p style="text-align: center;">0 vehicles booted from 10/1/19-9/23/20.</p> <p>The Berkeley Police Department no longer maintains the ALPR Booting Scofflaw Enforcement Program. The contract to provide this service became cost prohibitive and the city opted not to renew the contract with the vendor. The city returned to having each PEO working a beat again become responsible for recognizing when a license plate has accumulated five or more unpaid parking tickets.</p> <p>All BPD ALPR data may only be shared with other law enforcement or prosecutorial agencies for official law enforcement purposes, or as otherwise permitted by law. All ALPR data is subject to the provisions of BPD Policy 415 - Immigration Law, and therefore may not be shared with federal immigration enforcement officials.</p>
<p><b>Geographic Deployment</b></p>	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>Only Parking Enforcement Vehicles are equipped with ALPRs. ALPRs are deployed based on areas where there are parking time restrictions. ALPRs are not deployed based on geographic considerations not related to parking and scofflaw enforcement.</p>
<p><b>Complaints</b></p>	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There have been no complaints about to the deployment and use of Automated License Plate Readers.</p>
<p><b>Audits and Violations</b></p>	<p>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.</p> <p>There have been no complaints of violations of the ALPR Surveillance Use Policy.</p>

<p>Data Breaches</p>	<p>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.</p> <p>There have been no known data breaches or other unauthorized access to Automated License Plate Reader data.</p>
<p>Effectiveness</p>	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>ALPRs have proven effective in parking enforcement for time zone enforcement; the prior utilization of manually chalking car tires for time zone enforcement has been disallowed by court decision.</p> <p>ALPRs have proven effective in supporting enforcement upon vehicles which have five or more unpaid citations. The ALPR's ability to read and check license plates while being driven greatly increases efficiency, allowing an operator to cover larger areas more quickly without having to stop except to confirm a hit.</p>
<p>Costs</p>	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The annual system maintenance cost for Genetec is \$47,000. This cost is borne by the Transportation Division, which also purchased the ALPR units used in Time Zone Enforcement.</p> <p>Two new Genetec ALPR units were purchased during the period covered by this report. The two new units were purchased in order to equip the final two parking vehicles that did not have ALPR units attached to them.</p> <p>Genetec ALPR units are installed on 23 Parking Enforcement vehicles. Parking Enforcement personnel perform a variety of parking enforcement activities, and are not limited solely to time zone enforcement. Therefore, personnel costs specifically attributable to time zone enforcement are not tracked.</p>

## Surveillance Technology Report: Street Level Imagery Project

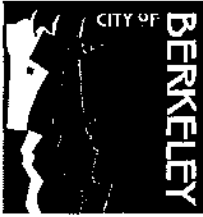
<b>Description</b>	<p><b>A description of all non-privileged and non-confidential information about the use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report will include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</b></p> <p>Street level imagery will be utilized exclusively by authorized City staff for infrastructure asset management and planning activities. The street level imagery of City infrastructure assets in the Public Right of Way that is provided to the City will not consist of information that is capable of being associated with any individual or group.</p>
<b>Geographic Deployment</b>	<p><b>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</b></p> <p>Street level imagery was collected by driving through the entire community over a three week period. It is accessible to the City through a proprietary third-party application, Street Smart™.</p>
<b>Complaints</b>	<p><b>A summary of each complaint, if any, received by the City about the Surveillance Technology.</b></p> <p>There have been no complaints about the deployment and use of Street Smart™.</p>
<b>Audits and Violations</b>	<p><b>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.</b></p> <p>There have been no complaints with regards to violations of the Surveillance Use Policy.</p>
<b>Data Breaches</b>	<p><b>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.</b></p> <p>There have been no known data breaches or other unauthorized access to Cyclomedia Street Level Imagery data.</p>



<p><b>Effectiveness</b></p>	<p><b>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</b></p> <p>Staff considered hiring contractors to use GPS in the field to create and update the Infrastructure asset GIS data. This method is costly and time consuming. Cyclomedia’s unique and patented processing techniques allow positionally-accurate GIS data to be collected in a cost-effective way and over a shorter period of time than a “boots on the ground” GPS field survey.</p> <p>The Imagery is being used to extract the following Citywide Infrastructure assets to create accurate and current Geographic Information Systems (GIS) data inventories:</p> <ul style="list-style-type: none"> <li>• Bus pads / stops</li> <li>• Maintenance Access Holes</li> <li>• Pavement Striping</li> <li>• Curb paint color</li> <li>• Parking meters</li> <li>• Pedestrian Signal</li> <li>• Pavement marking</li> <li>• Storm drains</li> <li>• Signs</li> <li>• Street trees</li> <li>• Traffic lights</li> </ul> <p>The street level imagery captured is also being used to:</p> <p>Create a street sign GIS layer with condition assessment to support compliance with the Manual on Uniform Traffic Control Devices Code and provide an accurate inventory of City signs. The existing sign inventory is contained in a spreadsheet that does not have accurate location data.</p> <p>Create a curb color layer with condition assessment to indicate where there are red, yellow, blue, white and green colors. This is critical to support Public Safety.</p> <p>Create pavement striping and paint symbol layers to support Transportation Planning and Vision Zero.</p> <p><b><u>Benefits Projected:</u></b></p> <p>The data from the street level imagery is being integrated into the City’s work order and asset management system for planning activities and to document repair and maintenance.</p> <p>Planners can use the street level imagery provided to the City to take measurements remotely, such as sidewalk width and public right of way impacts at proposed development locations.</p> <p>City staff can use the street level imagery to plan the location of road markings for pedestrian crossings, bike lanes or other striping.</p>
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	<p>City staff can remotely take accurate measurements of infrastructure assets to adequately plan for repair and replacement.</p> <p>City staff can use the street level imagery to enhance community engagement. The street level imagery can be used to identify and depict the impact of development such as an intersection restriping plan in order to article before and after conditions.</p>																										
<b>Costs</b>	<p><b>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</b></p>																										
	<p>The total cost of the system is \$232,401 and is itemized below.</p>																										
	<table border="1"> <thead> <tr> <th data-bbox="440 709 532 779">Year No.</th> <th data-bbox="532 709 829 779">Description</th> <th data-bbox="829 709 959 779">Cost</th> <th data-bbox="959 709 1481 779">Notes</th> </tr> </thead> <tbody> <tr> <td data-bbox="440 779 532 821">1</td> <td data-bbox="532 779 829 821">Licenses</td> <td data-bbox="829 779 959 821">\$48,000</td> <td data-bbox="959 779 1481 821">Resolution No: 69,482-N.S. 30JUN20</td> </tr> <tr> <td data-bbox="440 821 532 890">1</td> <td data-bbox="532 821 829 890">Professional Services for asset extraction</td> <td data-bbox="829 821 959 890">\$139,401</td> <td data-bbox="959 821 1481 890">Resolution No: 69,482-N.S. 30JUN20</td> </tr> <tr> <td data-bbox="440 890 532 1024">2</td> <td data-bbox="532 890 829 1024">Licenses and Support – One-Time</td> <td data-bbox="829 890 959 1024">\$45,000</td> <td data-bbox="959 890 1481 1024">Pending Council approval after imagery and data extraction work is completed Licensing Costs included in IT Cost allocation</td> </tr> <tr> <td data-bbox="440 1024 532 1159">3</td> <td data-bbox="532 1024 829 1159">License and Support – Ongoing Annual Costs</td> <td data-bbox="829 1024 959 1159">\$3,000</td> <td data-bbox="959 1024 1481 1159">Pending Council approval after imagery and data extraction work is completed Licensing Costs included in IT Cost allocation</td> </tr> <tr> <td colspan="2" data-bbox="440 1159 829 1199" style="text-align: center;"><b>Total Year 1-3</b></td> <td data-bbox="829 1159 959 1199"><b>\$235,401</b></td> <td data-bbox="959 1159 1481 1199"></td> </tr> </tbody> </table>	Year No.	Description	Cost	Notes	1	Licenses	\$48,000	Resolution No: 69,482-N.S. 30JUN20	1	Professional Services for asset extraction	\$139,401	Resolution No: 69,482-N.S. 30JUN20	2	Licenses and Support – One-Time	\$45,000	Pending Council approval after imagery and data extraction work is completed Licensing Costs included in IT Cost allocation	3	License and Support – Ongoing Annual Costs	\$3,000	Pending Council approval after imagery and data extraction work is completed Licensing Costs included in IT Cost allocation	<b>Total Year 1-3</b>		<b>\$235,401</b>			
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Office of the City Manager

January 25, 2022

To: Honorable Mayor and Members of the City Council

From: *Dee* Dee Williams-Ridley, City Manager

Subject: Public Safety Cameras Affixed to City Property

On December 14, 2021, City Council adopted an agenda item for Public Safety Cameras in the public right of way affixed to City property at various intersections throughout the City of Berkeley, similar to existing cameras currently in place at San Pablo Park. This agenda item was approved by Council, with direction to the City Manager to develop and implement a Use Policy for the Berkeley Police Department.

The attached policy addresses the use of the existing San Pablo Park cameras as well as additional fixed Public Safety Cameras located on City owned or managed properties or facilities. This policy was crafted to address the use, integrated technologies, storage and retention, access, and sharing of video/images.

The following locations were approved by City Council:

- 6<sup>th</sup> Street at University Avenue
- San Pablo Avenue at University Avenue
- 7<sup>th</sup> Street at Dwight Way
- San Pablo Avenue at Dwight Way
- 7<sup>th</sup> 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
- 62d Street at King Street

Attachment: Public Safety Fixed Video Surveillance Cameras Policy

cc: Paul Buddenhagen, Deputy City Manager  
LaTanya Bellow, Interim Deputy City Manager  
Jennifer Louis, Interim Chief of Police  
Jenny Wong, City Auditor  
Mark Numainville, City Clerk  
Matthai Chakko, Assistant to the City Manager

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## Public Safety Fixed Video Surveillance Cameras

### 351.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of City of Berkeley public safety video cameras, as well as the management, maintenance, storage and release of the captured images.

This policy only applies to fixed, overt, marked public safety video surveillance systems utilized by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

### 351.2 POLICY

The Berkeley Police Department utilizes a public safety video surveillance system to enhance its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

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. Members authorized to review video surveillance should only monitor public areas and public activities where no reasonable expectation of privacy exists. The City Manager shall obtain Council approval for any proposed additional locations for the use of video surveillance technology.

#### 351.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by 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, but is not limited to: existing cameras such as those located at San Pablo Park, 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:

- 6<sup>th</sup> Street at University Avenue
- San Pablo Avenue at University Avenue

- 
- 7th Street at Dwight Way
  - San Pablo Avenue at Dwight Way
  - 7<sup>th</sup> 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
  - 62<sup>nd</sup> Street at King Street

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations. The public video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To address identified areas of criminal activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity in order to assist with traffic related investigations.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

#### 351.3.2 FIXED CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

#### 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.

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### **351.4 VIDEO SUPERVISION**

Supervisors should monitor video surveillance access and usage to ensure members are within 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. Those who are authorized and login should automatically trigger the audit trail function to ensure compliance with the guidelines and policy.

#### **351.4.2 PROHIBITED ACTIVITY**

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

Public safety 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.

Public safety 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**

The Department shall retain all recordings for a minimum of 60 days. Recordings of incidents involving use of force by a police officer, detentions, arrests, or recordings 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. Any recordings related to administrative or civil proceedings 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.

Recordings created by equipment testing or accidental activation may be deleted after 60 days.

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

#### **351.5.1 EVIDENTIARY INTEGRITY**

All downloaded and retained media 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,



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authenticity certificates and date and time stamping, shall be used as available and 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**

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Berkeley Police Department.

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

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

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 Audits and Inspections Sergeant or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Audits and Inspections Sergeant or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

### **351.8 TRAINING**

All department members authorized to operate or access public 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. Training should also address state and federal law related to the use of video surveillance equipment and privacy.



Lexipol # <sup>1</sup>	Title	* Same as G.O.	Associated GO/s	Hard copies to Lexipol Subcomm.	Agendized for Subcomm.	Subcomm 1 <sup>st</sup> sent to PRC <sup>2</sup>	Notes (approval date shown if not approved at 1 <sup>st</sup> mtg) ALL CAPS = NOTES FROM SGT. SPEELMAN
<b>100</b>	Law Enforcement Authority		A-01	Aug.	Aug. 29	Sept. 26	<b>PRC approved</b>
<b>101</b>	Chief Executive Officer			June, Aug.	Aug. 29	Sept. 26	<b>PRC approved</b>
<b>102</b>	Oath of Office			June, Aug.	Aug. 29	Sept. 26	<b>PRC approved</b>
<b>103</b>	Policy Manual		P-18	June, Aug.	Aug. 29	Sept. 26	<b>PRC approved Oct. 10</b>
200	Organizational Structure and Responsibility		D-06, PR 400'S	June, Aug., revision JULY 10	Aug. 29, JULY 10, 18, 24	Sept. 26	(PRC approved Oct. 10; then BPD revised.) BPD REVISION SENT 5/16/19. Further revisions per 7/18 comments. STILL WORKING ON.
201	Departmental Order		S-04	Aug.	Aug. 29	Sept. 26	<b>PRC approved Oct. 10</b>
202	Emergency Operations Plan		D-09	Aug., revision DEC. 11	Aug. 29, DEC. 11	Sept. 26	<b>PRC approved w/ rec. to specify local ord. in 202.2 on 1-22-20</b>
203	Training Policy		T-07	Aug.	Aug. 29	Sept. 26	<b>PRC approved Oct. 10</b>
204	Electronic Communications		E-12	June, Aug.	Aug. 29	Sept. 26	<b>PRC approved Oct. 10</b>
205	Administrative Communications			June, Aug.	Aug. 29	Sept. 26	<b>PRC approved</b>
206	Retiree Concealed Firearms	*	R-37	June	Sept. 17	Sept. 26	<b>PRC approved</b>
207	License to Carry a Firearm		C-03, C-00	JAN. 14	JAN. 14	FEB. 27	<b>PRC approved</b>
208	Departmental Forms	*	R-18	Sept. 26, MAR. 27	Sept. 26, Oct. 10, MAR. 27	FEB. 27	<b>PRC approved May 8</b>

<sup>1</sup> Numbers in **bold** denote Lexipol policies issued by BPD.

<sup>2</sup> TBD = Subcommittee has completed review but not yet agendized for full Commission.

Note: Months in Lowercase = 2018; Months in UPPERCASE = 2019; 2020 & 2021 dates all numeric, e.g., 1-22-20.

300	Use of Force		U-02, U-01					<u>PRC completed review July 2020; Council revised and approved 7/23/20. Additional revisions Council approved 12-23-20. Issued 2-22-21.</u>
301	Officer-Involved Shooting/Injury Review Board		R-03, U-01	JULY 10, revision NOV 13	JULY 10, 18 OCT 9, 23, NOV 13	SEPT. 4,		PRC 1-22-20 returned to subcomm. to review inconsistent terminology; typos <u>Sent to Sgt Speelman 3-5-20</u>
302	Handcuffing and Restraints		H-06, T&IB 247	June	Sept. 17, JAN. 14, JUNE 12	Sept. 26, JUNE 12, JUNE 18		Spit hood presentation @ PRC JUNE 12; <b>PRC approved JUNE 26.</b> To Council 7-9; no action. Issued 11-4-19.
303	Control Devices and Techniques		F-02	JAN. 14 APR. 10	JAN. 14 APR. 10/ MAY 1, 8 OCT 9, 23 (process)	FEB. 27		PRC Feb. 27 concerns re tear gas, pepper spray. KL listed concerns in 10-9 email to BPD. Awaiting BPD response. WITH THE CHIEF
304	Conducted Energy Device			APR. 10	APR. 10/ MAY 1, 8 OCT 9, 23 (process)			OCT 23 Subcomm wants to hear from Chief. WITH THE CHIEF
305	Officer-Involved Shootings and Deaths		P-12					STILL BEING WORKED ON
306	Firearms		F-02, F-5, H-3, P-47					STILL BEING WORKED ON
307	Vehicle Pursuits		V-06	June, APR. 10	Sept. 17, APR. 10/ MAY 1, 8			Subcomm. discussed 9/17 and 5/8; had questions. WAITING FOR USE OF FORCE POLICY BEFORE WE REVISIT
308	Canines		Council Res. 51,408-N.S.	June	Sept. 17, Nov. 7, JAN. 14	Sept. 26; FEB. 27		Withdrawn Sept. 26; revised; <b>PRC approved FEB. 27</b>
309	Officer Response to Calls			June	Sept. 17	Sept. 26		<b>PRC approved</b>
310	Domestic Violence		D-05	June	Sept. 17	Sept. 26		<b>PRC approved Oct. 10</b> BPD revised 1-28-19
311	Search and Seizure		S-06	June	Sept. 17	Sept. 26		<b>PRC approved Oct. 10</b>



312	Temporary Custody of Juveniles	I-15, J-18	June, Sept 26	Sept. 17, 26	Oct. 10	PRC approved FEB. 13 BPD revised 2-20-19; <u>more revisions late 2020</u>
313	Adult Abuse		June, Sept 26	Sept. 17, 26	Oct. 10	PRC approved FEB. 13
314	Discriminatory Harassment	H-07	June, July, Sept 26	Sept. 17, 26, Nov. 7	Oct. 10	PRC approved FEB. 13
315	Child Abuse	C-08	June, Sept 26	Sept. 17, 26	Oct. 10	PRC approved FEB. 13
316	Missing Persons	M-01	MAR. 27	MAR. 27, APR. 10/ MAY 1, 8 JUNE 12	MAY 22 JUNE 12	PRC approved JUNE 26
317	Public Alerts	E-11	MAR. 27	MAR. 27	APR. 24	PRC approved MAY 8
318	Victim and Witness Assistance	A-60	June, Sept 26	Sept. 17, 26, Oct. 10	N/A	PRC approved Sex Worker Safety Subcomm. proposal MAR. 27. BPD re-issued APR. 5
319	Hate Crimes	H-04	June, Sept 26, APR. 10 JUNE 12	Sept. 17, 26, Oct. 10, Nov. 7, APR. 10/MAY 1, 8 JUNE 12	FEB. 27 JULY 24	Revised; PRC approved JULY 24 Council referral to review (part of larger pkg) 11-17-2020
320	Department Use of Social Media		June, Sept 26	Sept. 17, 26, Oct. 10		PER BPD 11-7 BEING FURTHER REVISED. WITH THE CHIEF
321	Standards of Conduct	P-26	MAR. 27	MAR. 27, APR. 10/ MAY 1, 8	MAY 22	PRC approved JUNE 26
322	Information Technology Use	E-12	APR. 10 JUNE 12	APR. 10/ MAY 1, 8 JUNE 12	JULY 24	PRC approved JULY 24
323	Report Preparation	C-07	June, Sept 26, revision Oct. 10	Sept. 17, 26, Oct. 10		On hold - PENDING U-2 (300) BEING ISSUED.
324	Media Relations	P-29	June, Sept 26, revision MAR. 27, 2 <sup>nd</sup> rev MAY 8. 3-11-21	Sept. 17, 26, Oct. 10, MAR. 27, APR. 10/ MAY 1, 8. 3-11-21		Updated version sent to PRC 5/29/19. Subcomm. to determine how to proceed. PLEASE RE-AGENDIZE FOR SUBCOMMITTEE - I WILL BRING PIO WITH ME.
325	Subpoenas and Court Appearances	C-62	MAR. 27	MAR. 27, APR. 10/ MAY 1. 8	MAY 22	PRC approved JUNE 26
326	Reserve Officers	R-33	JAN. 14	JAN. 14	FEB. 27	PRC approved



327	Outside Agency Assistance		M-02	MAR. 27, revision OCT 23	MAR. 27, APR. 10/ MAY 1, 8, OCT. 23	1-8-20	PRC approved
328	Registered Offender Information		D-21, M-6	JAN. 14	JAN. 14	FEB. 27	PRC approved
329	Major Incident Notification		A-49	APR. 10	APR. 10/ MAY 1, 8, 22	SEPT. 4	PRC approved SEPT. 18
330	Death Investigation		E-09, O-1	June, Sept 26, revision FEB.13	Sept. 17, 26, Oct. 10, FEB. 13	FEB. 27	PRC approved
331	Identity Theft			June, Sept 26	Sept. 17, 26, Oct. 10	FEB. 27	PRC approved
332	Communications with Persons w/ Dis.		T-19	June, Sept 26	Sept. 17, 26, Oct. 10	FEB. 27	PRC approved
333	Private Person's Arrests		A-50	APR. 10, JUNE 12	APR. 10/ MAY 1, 8, 22 JUNE 12, 18	JULY 24	PRC approved
334	Anti-Reproductive Rights Crimes Reporting			Sept.	Sept. 17	Sept. 26	PRC approved
335	Limited English Proficiency Services			Nov. 7	Nov. 7	FEB. 27	PRC approved
336	Mandatory Employer Notification			Sept.	Sept. 17	Sept. 26	PRC approved
337	Biological Samples		D-21	APR. 10, revision OCT. 23. 3-11-21	APR. 10/ MAY 1, 8, 22 JUNE 12, OCT 23, NOV 13. 3-11-21	1-22-20	PRC returned to Subcomm. for certain changes
338	Chaplaincy Program	*	C-45	Sept. 26	Sept. 26, Oct. 10	FEB. 27	PRC approved
339	Community Relations (former 351)			Nov. 7	Nov. 7	FEB. 27	PRC approved
340	Child and Dependent Adult Safety			Nov. 7	Nov. 7	FEB. 27	PRC approved
341	Volunteer Program		V-08	APR. 10	APR. 10/ MAY 1, 8, 22 JUNE 12	SEPT. 4	PRC approved SEPT. 18
342	Service Animals			APR. 10	APR. 10/ MAY 1, 8, 22	SEPT. 4	PRC approved SEPT. 18
343	Gun Violence Restraining Orders			APR. 10, revision OCT 23	APR. 10/ MAY 1, 8, 22 JUNE 12, OCT 9, rev OCT 23	SEPT. 4	PRC 1-8-2020 returned to Subcomm with questions
344	Off Duty Law Enforcement Action			APR. 10, revision NOV 13	APR. 10/ MAY 1, 8, 22 JUNE 12, OCT 9, 23, NOV 13	SEPT. 4	PRC approved 1-8-20
345	Native American Graves Protection			Sept.	Sept. 17	Sept. 26	PRC approved
346	Honor Guard	*	H-01	Sept. 26	Sept. 26, Oct. 10	FEB. 27	PRC approved



347	Firearms and Tactics Unit		F-05	JULY 10	JULY 10		SEPT. 4	PRC approved SEPT. 18
348	Youth Services Detail	*	J-18 (part)	Sept. 26	Sept. 26, Oct. 10		FEB. 27	PRC approved
349	Tactical Rifle Operator Program	*	F-06	JULY 24	JULY 24, SEP 4		OCT. 9	PRC approved NOV 13
350	Public Appearances	*	P-16	Sept. 26	Sept. 26, Oct. 10		FEB. 27	PRC approved
351	Second Response (moved to 1202)	*	T&IB 249	JULY 24, revision OCT 23	JULY 24, OCT 9, 23		SEPT. 18	PRC approved 1-8-2020 (as 1202)
400	Patrol Function			Nov. 7	Nov. 7		FEB. 27	PRC approved
401	Fair & Impartial Policing	*	B-04	July	Aug. 29		Sept. 26	PRC approved
402	Briefing Training			Nov. 7	Nov. 7		FEB. 27	PRC approved
403	Crime and Disaster Scene Integrity		C-52	DEC. 11, <del>3-11-21</del>	DEC. 11, <del>3-11-21</del>			Subcomm. Qs for BPD DEC 11
404	Special Response Team		X-01					STILL WORKING ON
405	Ride Along Program		T&IB 128	JAN. 14	JAN. 14		FEB. 27	PRC approved
406	Hazardous Material Response		T-16 (para. 35 et seq)	JAN. 14	JAN. 14		FEB. 27	PRC approved
407	Hostage and Barricade Incidents		X-01	JULY 10	JULY 10		SEPT. 4	PRC approved SEPT. 18
408	Response to Bomb Calls		B-03	OCT 23, rev. NOV 13	OCT 23, NOV 13		1-22-20	PRC approved
409	Crisis Intervention			JULY 10	JULY 10, 18, 24			BPD further revising per 7/18 comments - PRC rec'd 11-19-20
410	Mental Illness Commitments		I-16	JULY 10	JULY 10, 18, 24, SEP 4		OCT. 9	PRC sent back to subcomm. NOV. 13
411	Cite and Release Policy		C-10	JULY 10	JULY 10, 18, 24, SEP. 4		OCT. 9	PRC sent back to subcomm. NOV. 13
412	Foreign Diplomatic and Consular Rep.			JULY 10	JULY 10, 18		SEPT. 4	PRC approved SEPT. 18
413	Rapid Response and Deployment		U-04, V-4	JULY 10	JULY 10, 18, 24			UNDER REVISION
414	Use of Narcan (Naloxone)	*	A-18	Sept.	Sept. 17		Sept. 26	PRC approved
415	Immigration Law		RN 68,131NS	MAY 22	MAY 22		MAY 22	PRC approved
416	Emergency Utility Service			Sept.	Sept. 17		Sept. 26	PRC approved
417	Aircraft Accidents			Sept.	Sept. 17		Sept. 26	PRC approved

PRC Review of Draft Lexipol Policies

Updated 3-9-2021  
(redlines show changes from 2-4-2020)

418	Obtaining Air Support		Council Res. 51,408-N.S.	Sept., revision MAY 8	Sept. 17, APR. 10/ MAY 1, 8	Sept. 26, MAY 22	PRC approved Sept. 26. <b>PRC approved revised JUNE 26.</b>
419	Field Training Officer Program		F-03	JULY 24	JUL 24, SEP 4	OCT. 9	<b>PRC approved NOV 13</b>
420	Foot Pursuits			JULY 24	JUL 24, SEP 4	1-8-20	<b>PRC approved</b>
421	Contacts & Temporary Detentions		R-29	JULY 24, revisions OCT 23, NOV 13 tbd	JUL 24, SEP 4, OCT 9, 23, NOV 13	1-22-20	<b>PRC approved</b>
422	ALPR SYSTEM	*	AO#001- 2016	AUG. 7	AUG. 7, SEP 4	SEPT. 4	<b>PRC qualified approval SEPT 4 as part of review under Surv. Ord; Ltr to Council SEPT 11.</b>
423	Watch Commanders			JAN. 14	JAN. 14	FEB. 27	<b>PRC approved</b>
424	Mobile Data Terminal Use			JULY 24	JUL 24, SEP 4	1-8-20	<b>PRC approved</b>
425	Body Worn Cameras						<b>Reviewed by full Commsn; recommendations sent to Chief 3/25/19</b>
426	Public Recording of LEO Activity	*	W-01				<b>SENT 2/25/19, V. 10 SENT 9/4 – added to folder 9/13/19</b>
427	Medical Marijuana			OCT 23, NOV 13	OCT 23, NOV 13		Subcomm NOV 13 Qs re interplay with recr marijuana laws, Council policy on enforcement; KL email to Sam 11-15. <b>Resent questions to Sgt. LeDoux 2-25-21</b>
428	First Amendment Assemblies (formerly 429)	*	C-64	JAN. 14, APR. 10	JAN. 14, APR. 10/ MAY 1, 8, OCT 23 (process)	FEB. 27	<b>PRC approved 1-8-20</b>
429	Intelligence Procedures for First Amendment Assemblies	*	C-01	JAN. 14	JAN. 14	FEB. 27	<b>PRC approved</b>
430	Civil Disputes			JAN. 14	JAN. 14, FEB. 13	FEB. 27	<b>PRC approved (as 431)</b>
431	Medical Aid and Response			NOV. 13, <del>3-11-21</del>	NOV. 13, <del>3-11-21</del>	<del>3-11-20</del>	Subcomm ok NOV 13. <b>PRC 3-11-2020 returned to Subcomm.</b>







605	Brady Material Disclosure			Nov. 7, MAY 22	Nov. 7, JAN 14, MAY 22, JUNE 12	MAR. 13	PRC approved JULY 10
606	Warrant Service		S-6, W-4				SENT 2/11/19, V. 7 SENT 9/12 Added to Folder 9/13/19. <u>In Warrant Service Policy Subcommittee as of 10-14-2021</u>
607	Operations Planning and Deconfliction		D-04				SENT 2/11/19, V. 11 SENT 9/12 Added to Folder 9/13/19
608	Detective Bureau		D-02				SENT 7/11, V. 15 SENT 9/12 NO CHANGES
609	Stolen Vehicle Investigation	*	V-5	<u>3-11-21</u>	Sept. 17, 26, Oct. 10, <u>3-11-21</u>		V. 9 SENT 9/12/19, Added to Folder 9/13/19
610	Conduct of Licensed Alcohol Establishments	*	D-01	Aug.	Aug. 29	Sept. 26	PRC approved (as 611)
700	Department Owned & Personal Property		C-17, E-7	<u>3-11-21</u>	<u>3-11-21</u>		SENT 2/11/19, V. 10 SENT 9/12/19 - NO CHANGES - Added to Folder 9/13/19
701	Personal Communication Devices						IN MEET AND CONFER WITH THE BPA
702	Vehicle Maintenance			JAN. 14, MAY 22	JAN. 14, FEB. 13, MAY 22, JUNE 12	MAR. 13	PRC approved JULY 10
703	Vehicle Use		V-01	<u>3-11-21</u>	<u>3-11-21</u>		SENT 2/11/19, V. 16 Added to Folder 9/13/19
704	Cash Handling, Security and Management			<u>3-11-21</u>	<u>3-11-21</u>		SENT 2/11/19, V. 7 Added to Folder 9/13/19
705	Personal Protective Equipment			JAN. 14, MAY 22	JAN. 14, FEB. 13, MAY 22, JUNE 12	MAR. 13	PRC approved JULY 10
706	Emergency Response Vehicle	*	V-11	July	Sept. 17	Sept. 26	PRC approved



707	Long Range Acoustical Device (LRAD)								SENT 4/5/19, V. 8 Added to Folder 9/13/19. <u>BPD revised 9-17-2020 in Controlled Equip. Ord discussion. Issued 10-29-2020.</u>
800	Crime Analysis							JAN. 14, FEB. 13	<b>PRC approved</b>
801	Communications Operations								SENT 2/11/19, VERSION 21 SENT 9/4/19. Added to Folder 9/13/19
802	Property and Evidence							Sept. 17	<b>PRC approved</b>
803	Records Management							<u>3-11-21</u>	SENT 2/11/19, v. 18 added to folder 9/13/19
804	Records Maintenance and Release								V. 16 SENT 9/4/19, Added to Folder 9/13/19
805	Protected Information								SENT 2/11/19 & 6/12/19, V.15 Added to Folder 9/13/19; <u>updated 12-15-2020</u>
806	Computers and Digital Evidence								SENT 2/25/19, V.22 Added to Folder 9/13/19. <u>BPD issued 2-8-21 with minor revisions to comply with state law.</u>
808	Computer Voice Stress Examinations							Aug. 29	<b>PRC approved (as 806)</b>
809	Emergency Burial Permits							Aug. 29	<b>PRC approved</b>
900	Temporary Custody of Adults								SENT 7/10/19, V.36 Added to Folder 9/13/19 <u>ISSUED 2-8-21</u>
901	Custodial Searches								SENT 7/10/19, V.33 Added to Folder 9/13/19
902	Prison Rape Elimination							Nov. 7, JAN. 14, MAY 22, JUNE 12	<b>PRC approved JULY 10</b>
903	Detainee Transportation							Aug. 29	<b>PRC approved</b>
1000	Recruitment and Selection							Nov. 7, JAN. 14, MAY 22, JUNE 12	<b>PRC approved JULY 10; revised 9-16-2020</b>



1001	Performance Appraisal Reports		P-28							SENT 2/11/19, V.19 Added to Folder 9/13/19
1002	Special, Temp Duty or Spec Duty Assn.	*	P-15	Aug.	Aug. 29			Sept. 26		PRC approved
1003	Grievance Procedure		G-02							SENT 2/11/19, V. 13 Added to Folder 9/13/19
1004	Anti-Retaliation			Nov. 7, MAY 22	Nov. 7, JAN. 14, MAY 22, JUNE 12			MAR. 13		PRC approved JULY 10
1005	Reporting of Employee Convictions			Nov. 7	Nov. 7, JAN. 14, MAY 22, JUNE 12			MAR. 13		PRC approved JULY 10
1006	Drug and Alcohol Free Workplace		D-19							SENT 2/11/19, V. 30 SENT 9/4 - Added to Folder 9/13/19
1007	Sick Leave		S-05							SENT 2/11/19, V. 16 SENT 9/4 - Added to Folder 9/13/19
1008	Communicable Diseases		H-05, P24							STILL WORKING ON
1009	Smoking and Tobacco Use			Sept.	Sept. 17			Sept. 26		PRC approved
1010	Personnel Complaints		P-26, R-3							SENT 4/5/19, V. 1 SENT 9/4 Added to Folder 9/13/19
1011	Seat Belts			Sept.	Sept. 17			Sept. 26		PRC approved BPD revised 1-31-19
1012	Body Armor			July, JAN. 14	JAN. 14, FEB. 13			MAR. 13		PRC approved
1013	Personnel Files									SENT 6/26/19, V. 13 Added to Folder 9/13/19
1014	Commendations		P-21	JAN. 14	JAN. 14, FEB. 13			MAR. 13		PRC approved
1015	Fitness for Duty									SENT 2/13/19 V. 19 added 9/13/19
1016	Meal Periods and Breaks			Sept.	Sept. 17			Sept. 26		PRC approved
1017	Lactation Break Policy			Sept.	Sept. 17			Sept. 26		PRC approved
1018	Payroll Record Procedures			Sept.	Sept. 17			Sept. 26		PRC approved
1019	Overtime Compensation Requests		D-15							SENT 2/11/19 V. 17 added to folder 9/13/19
1020	Outside Employment		P-20	JAN. 14	JAN. 14, FEB. 13			MAR. 13		PRC approved



1021	Occ. Disease and Work-Related Injury		P-24						SENT 2/11/19 V.19 added to folder 9/13/19
1022	Personal Appearance Standards			Sept.	Sept. 17	Sept. 26			<b>PRC approved. BPD updated 1-1-2020 to reflect changes in law.</b>
1023	Uniform Regulations		D-17, E-7						SENT 2/11/19 V. 15 added to folder 9/13/19
1024	Police Aide Program			Nov. 7	Nov. 7, JAN. 14	MAR. 13			<b>PRC approved</b>
1025	Nepotism and Conflicting Relationships			Nov. 7, MAY 22	Nov. 7, JAN. 14, MAY 22, JUNE 12	MAR. 13			<b>PRC approved JULY 10</b>
1026	Department Badges			Sept.	Sept. 17	Sept. 26			<b>PRC approved</b>
1027	Temporary Modified-Duty Assignments			Nov. 7	Nov. 7, JAN. 14	MAR. 13			<b>PRC approved</b>
1028	Conference, Meeting & Training Attendance	*	C-46	Aug.	Aug. 29	Sept. 17			<b>PRC approved (as 1034)</b>
1029	Employee Speech, Expr & Soc Net.			Nov. 7	Nov. 7, JAN. 14				IN MEET/CONFER WITH BPA
1030	The Safety Committee		P-24						SENT 2/11/19, V. 22 added to folder 9/13/19
1031	Line of Duty Deaths		O-11						SENT 2/11/19, V. 14 added to folder 9/13/19
1032	CISM / PEER SUPPORT		P-50						STILL WORKING ON
1033	Employee Absences	*	P-17	Sept. 26	Sept. 26, Oct. 10	MAR. 13			<b>PRC approved</b>
1034	Complaint Review Board		R-3						SENT 7/15, V.13 added to folder 9/13/19
1035	Traffic Collision Review Board		R-3						SENT 7/15, V.5 added to folder 9/13/19
1200	Social Host Ordinance	*	TI 273						V. 4 SENT 8/29, added to folder 9/13/19
1201	Taxicab Enforcement	*	TI 292						V. 5 ADDED TO FOLDER
1202	Second Response (Former 351)	*	TI 167			1-8-20			<b>PRC approved</b>
1203	Smoking Ordinance	*	TI 276						V.5 ADDED TO FOLDER
1300	Surveillance Use - BWC (Relates to 425)		1300, 1301, 1302 to Council in NOV. per			Not sent to Subcomm			<b>PRC qualified approval JULY 10</b>

1301	Surveillance Use - GPS			Not sent to Subcomm	<b>PRC approved OCT 23</b>
1302	Surveillance Use - ALPR (Relates to 422)	Surveillance Tech Ord; cont. to DEC. 3; then 1-28-20 1301 adopted 1-28-20; 1300 adopted 3-10-20. <del>1302 pending</del>	AUG. 7, SEPT. 4		Waiting for 422 to be approved, then will edit/update See 422. No direction action on 1302.



Police Review Commission

January 6, 2020

To: Andrew Greenwood, Chief of Police  
From: Katherine J. Lee, <sup>VJL</sup> Police Review Commission Officer  
Re: Lexipol policies approved by the Police Review Commission

As you know, in the fall of 2018, the PRC commenced a review of the conversion of Berkeley Police Department policies, found in Departmental Regulations, General Orders, Training and Information Bulletins, and other directives, into the Lexipol policy system. With a few exceptions, the policies reviewed were first examined by the PRC's Lexipol Policies Subcommittee before being presented to the full Commission for approval.

While they still have nearly half of the policies remaining to evaluate, the Commission has asked me to transmit to you a list of the policies that they reviewed and approved through 2019. That list, with approval dates by the full Commission, is attached.

I'd like to take this opportunity to thank you for having Sgt. Samantha Speelman and Capt. Rico Rolleri attend the Lexipol Subcommittee meetings to answer the subcommittee's questions and address their concerns. Your staff's experience, knowledge, and perspective has been a huge help to subcommittee members.

Attachment

cc: Police Review Commissioners  
Capt. Rico Rolleri  
Sgt. Samantha Speelman

Lexipol Policies approved by PRC through 2019

Policy #	Title	PRC approval date
100	Law Enforcement Authority	Sept. 26, 2018
101	Chief Executive Officer	Sept. 26, 2018
102	Oath of Office	Sept. 26, 2018
103	Policy Manual	Oct. 10, 2018
201	Departmental Order	Oct. 10, 2018
203	Training Policy	Oct. 10, 2018
204	Electronic Communications	Oct. 10, 2018
205	Administrative Communications	Sept. 26, 2018
206	Retiree Concealed Firearms	Sept. 26, 2018
207	License to Carry a Firearm	Feb. 27, 2019
208	Departmental Forms	May 8, 2019
302	Handcuffs and Restraints	June 26, 2019
308	Canines	Feb. 27, 2019
309	Officer Response to Calls	Sept. 26, 2018
310	Domestic Violence	Oct. 10, 2018
311	Search and Seizure	Oct. 10, 2018
312	Temporary Custody of Juveniles	Feb. 13, 2019
313	Adult Abuse	Feb. 13, 2019
314	Discriminatory Harassment	Feb. 13, 2019
315	Child Abuse	Feb. 13, 2019
316	Missing Persons	June 26, 2019
317	Public Alerts	May 8, 2019
318	Victim and Witness Assistance	Mar. 27, 2019
319	Hate Crimes	July 24, 2019
321	Standards of Conduct	June 26, 2019
322	Information Technology Use	July 24, 2019
325	Subpoenas and Court Appearances	June 26, 2019
326	Reserve Officers	Feb. 27, 2019
328	Registered Offender Information	Feb. 27, 2019
329	Major Incident Notification	Sept. 18, 2019
330	Death Investigation	Feb. 27, 2019
331	Identity Theft	Feb. 27, 2019
332	Communications with Persons with Disabilities	Feb. 27, 2019
333	Private Person's Arrests	July 24, 2019
334	Anti-Reproductive Rights Crimes Reporting	Sept. 26, 2018
335	Limited English Proficiency Services	Feb. 27, 2019
336	Mandatory Employer Notification	Sept. 26, 2018
338	Chaplaincy Program	Feb. 27, 2019
339	Community Relations	Feb. 27, 2019
340	Child and Dependent Adult Safety	Feb. 27, 2019
341	Volunteer Program	Sept. 18, 2019

Lexipol Policies approved by PRC through 2019

Policy #	Title	PRC approval date
342	Service Animals	Sept. 18, 2019
345	Native American Graves Protection and Repatriation	Sept. 26, 2018
346	Honor Guard	Feb. 27, 2019
347	Firearms and Tactics Unit	Sept. 18, 2019
348	Youth Services Detail	Feb. 27, 2019
350	Public Appearances	Feb. 27, 2019
400	Patrol Function	Feb. 27, 2019
401	Fair and Impartial Policing	Sept. 26, 2018
402	Briefing Training	Feb. 27, 2019
405	Ride Along Program	Feb. 27, 2019
406	Hazardous Material Response	Feb. 27, 2019
407	Hostage and Barricade Incidents	Sept. 18, 2019
412	Foreign Diplomatic and Consular Representatives	Sept. 18, 2019
414	Use of Narcan (Naloxone)	Sept. 26, 2018
415	Immigration Law	May 22, 2019
416	Emergency Utility Service	Sept. 26, 2018
417	Aircraft Accidents	Sept. 26, 2018
418	Obtaining Air Support	May 22, 2019
422	ALPR SYSTEM	Sept. 4, 2019
423	Watch Commanders	Feb. 27, 2019
429	Intelligence Procedures for First Amendment Assemblies	Feb. 27, 2019
430	Civil Disputes	Feb. 27, 2019
433	Situational Awareness Group	Feb. 27, 2019
501	Motor Vehicle Collision Investigations	Mar. 13, 2019
508	Adult Crossing Guard	Sept. 26, 2018
605	Brady Material Disclosure	July 10, 2019
610	Conduct of Licensed Alcohol Establishments	Sept. 26, 2018
702	Vehicle Maintenance	July 10, 2019
705	Personal Protective Equipment	July 10, 2019
706	Emergency Response Vehicle	Sept. 26, 2018
800	Crime Analysis	Feb. 27, 2019
802	Property and Evidence	Sept. 26, 2018
805	Computer Voice Stress Examinations	Sept. 26, 2018
809	Emergency Burial Permits	Sept. 26, 2018
902	Prison Rape Elimination	July 10, 2019
903	Detainee Transportation	Sept. 26, 2018
1000	Recruitment and Selection	July 10, 2019



Lexipol Policies approved by PRC through 2019

Policy #	Title	PRC approval date
1002	Special, Temporary Duty or Specialized Duty Assignments	Sept. 26, 2018
1004	Anti-Retaliation	July 10, 2019
1005	Reporting of Employee Convictions	July 10, 2019
1009	Smoking and Tobacco Use	Sept. 26, 2018
1011	Seat Belts	Sept. 26, 2018
1012	Body Armor	Mar. 13, 2019
1014	Commendations	Mar. 13, 2019
1016	Meal Periods and Breaks	Sept. 26, 2018
1017	Lactation Break Policy	Sept. 26, 2018
1018	Payroll Record Procedures	Sept. 26, 2018
1020	Outside Employment	Mar. 13, 2019
1022	Personal Appearance Standards	Sept. 26, 2018
1024	Police Aide Program	Mar. 13, 2019
1025	Nepotism and Conflicting Relationships	July 10, 2019
1026	Department Badges	Sept. 26, 2018
1027	Temporary Modified-Duty Assignments	Mar. 13, 2019
1028	Conference, Meeting and Training Attendance	Sept. 17, 2018
1033	Employee Absences	Mar. 13, 2019

## Lee, Katherine

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**From:** Louis, Jennifer A.  
**Sent:** Thursday, February 3, 2022 2:15 PM  
**To:** Lee, Katherine  
**Subject:** BPD info for you and the PAB  
**Attachments:** IAB Complaint Form 2022.pdf; Policy 311 Search and Seizure Consent Form.pdf; Council Information Item 2021 Crime and Collision Data.pdf; 311 Search\_and\_Seizure (6).pdf

Good afternoon,

Attached and below are materials and information that I wanted to share with the Director of Police Accountability as well as the PAB. There are some other items that I know from the PAB letter that you were interested in receiving and I will be continuing to gather and share the remaining items as I am able. I was hoping to have a few more things to attach but I was mindful that there was a FIP implementation subcommittee meeting at 3:30 pm today and this email had information that was on the agenda to be discussed.

### Updates to Civilian Complaint and Commendation Process

As part of our reimagining public safety work, our progress towards implementing Fair and Impartial Policing Recommendations, and the desire to improve transparency and access to the commendation and complaint processes for our Department, we have update our departmental website, business cards and citizen complaint form.

The link to this topic on our website is: [Complaints and Concerns - City of Berkeley, CA](#)

I have attached the new BPD Civilian Complaint Form to this email. We added information about contacting the DPA, accessing our website, and clarified that complaints could be made anonymously as well as by any civilian (the prior form used the title "citizen" and we received feedback that this might be confusing for community members who did not have US citizenship). Our business cards now have on the back side information about how to get to the above website as well as contact Internal Affairs and/or the PAB.

### Fair and Impartial Policing Quarterly Update to Council

BPD is finalizing an Information Item for the February 22, 2022 Council Agenda for our quarterly update on implementation of FIP recommendations. Due to the timing of submitting items to meet meeting deadlines, both the consent form and early intervention system recommendations may show in the update as in progress even though they will likely have progressed farther in the near future. I plan to send the final draft of quarterly update to DPA/PAB next week for your information.

### BPD Policy 311 Search and Seizure Consent

I have attached the current draft consent form and policy 311 on search and consent. Department training will be occurring over the next few weeks for this updated policy to ensure understanding. This was specifically requested by the BPA as part of working through finalizing this policy internally (our informal meet and confer). This is a completely reasonable request and often comes when there are procedural changes and officers want to be very clear on how to proceed moving forward. Once these trainings are complete, the policy will be officially issued and the updated consent form will replace the existing form. I anticipate this occurring by the week of February 14<sup>th</sup>.

### 2021 Year End Crime and Collision Data

The City Manager, via BPD provide regular reports on crime in Berkeley. We have submitted an information item for the 2/22 Council meeting that summarizes 2021 year end crime and collision data. This information is provided to supplement the October 19th, 2021 annual crime report presentation, which only provided data through October 1, 2021.

For your convenience, I have attached the item to this email.

Lexipol policy review

As we discussed during the last PAB meeting, there was a PRC subcommittee that included a representative from BPD to review departmental policies as we moved from General Orders to Lexipol Policies. I checked with our Professional Standards Division and they indicated that there are about 36 remaining policies to be converted. Their understanding was that while the Lexipol subcommittee process is not a requirement for issuance of policies, the procedure was paused until the PAB established a subcommittee to continue that work that the Department and PRC had begun. We are in position to issue those policies and can submit them once issued for the PAB review or continue to pause until the subcommittee is established. Obviously any time critical policy updates (for example if there are legislative changes) may not be able to wait for the establishment of a subcommittee. I am open to discussing the most efficient and effective path forward on this project.

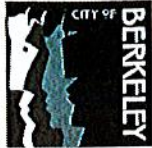
Respectfully,

Jen

Jen Louis  
Interim Chief of Police  
Berkeley Police Department

Follow us on:





# BERKELEY POLICE DEPARTMENT CIVILIAN COMPLAINT FORM



Complainant's Name					
Contact Address		City	State	Zip	
Phone #1	Phone #2		Email Address		
Victim (other than complainant)	Address	City	State	Zip	
Witness	Address	City	State	Zip	Phone Number

\*Any complaint can be made anonymously. However, not providing your name and contact info may affect our ability to conduct a full investigation and provide you with the results of your complaint.

In addition, you are entitled to file a complaint with the Office of the Director of Police Accountability.

**Office of the Director of Police Accountability**  
 1947 Center Street, 5th Floor  
 Berkeley, CA 94704 phone: (510) 981-4950  
[www.cityofberkeley.info/dpa](http://www.cityofberkeley.info/dpa)

For further information about the complaint process:  
[www.bit.ly/ComplaintsAndConcerns](http://www.bit.ly/ComplaintsAndConcerns)



**Check all categories that apply to your complaint :**

<input type="checkbox"/> Unreasonable Force	<input type="checkbox"/> Racial Profiling/Discrimination
<input type="checkbox"/> Rudeness/Discourtesy	<input type="checkbox"/> Harassment
<input type="checkbox"/> Unlawful Detention/Search/Arrest	<input type="checkbox"/> Police Procedure/Policy Violation
<input type="checkbox"/> Detention Procedure (Jail)	<input type="checkbox"/> Traffic Citation or Police Tow
<input type="checkbox"/> Investigation Procedures/Police Report	<input type="checkbox"/> Other Improper Action

Date of Incident	Time	Location of Incident	Police Report Number
Involved Police Department Employees(s) (name, badge #, description or other identifying information)			





# BERKELEY POLICE DEPARTMENT

2100 Martin Luther King, Jr. Way, Berkeley, CA 94704

TEL: (510) 981-5900, TDD: (510) 981-5799, FAX: (510) 981-5744

EMAIL: police@cityofberkeley.info

## CONSENT SEARCH FORM

Case: \_\_\_\_\_

I, \_\_\_\_\_ have been informed of my constitutional right not to have a search made of my person, residence, property, vehicle, and/or electronic device(s) hereinafter mentioned, without a search warrant and of my right to refuse to consent to such a search.

**Officer(s):**

of the Berkeley Police Department, and any other law enforcement agent, to conduct a complete search of the following:

TO BE SEARCHED	PERSON'S INITIALS	DATE	TIME
PERSON			
RESIDENCE			
PROPERTY			
VEHICLE			
ELECTRONIC DEVICE			

I give this written permission to the above-named police officers voluntarily. No threats or promises of any kind have been made to me.

(Signed) \_\_\_\_\_

Officer \_\_\_\_\_

Witness \_\_\_\_\_







Office of the City Manager

INFORMATION ITEM  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jennifer Louis, Interim Chief of Police  
Subject: **2021 Year End Crime and Collision Data**

## **INTRODUCTION**

At the request of City Council, the City Manager provides regular reports on crime in Berkeley. This report includes year end crime data for 2021. Also included is 2021 collision data. This information is provided to supplement the October 19<sup>th</sup>, 2021 annual crime report presentation, which only provided data through October 1, 2021.

## **CURRENT SITUATION AND ITS EFFECTS**

### **CALLS FOR SERVICE**

In 2021 Berkeley Police Department received a total of 60,393 calls for service (CFS). This closely mirrors the call volume for 2020 (60,799), as calls for service have not returned to pre-pandemic levels to date. The seven-year average total CFS number is 71,443.

### **CRIME DATA**

#### **Part One Crimes:**

In 2021, total Part One crime in Berkeley increased by 1.9% overall from the year prior. There were four less Part One Violent Crimes and 122 more Part One Property Crimes

in 2021. The largest percentage increases in Part One Crimes were seen in Arson (38.5%), Auto Theft (36.4%), and Sexual Assault (21.3%). Decreases were seen in Homicide, as there were no cases in 2021, as well as Petty Theft.

### Part One Crimes Comparison

	2020	2021	Change	Percent Change
Homicide	5	0	-5	100.0%
Sexual Assault	47	57	10	21.3%
Robbery	274	265	-9	-3.3%
Aggravated Assault	210	210	0	0.0%
<b>Total Violent Crimes</b>	<b>536</b>	<b>532</b>	<b>-4</b>	<b>-0.7%</b>
Burglary	797	803	6	0.8%
Theft	3933	3736	-197	-5.0%
Auto Theft	805	1098	293	36.4%
Arson	52	72	20	38.5%
<b>Total Property Crimes</b>	<b>5587</b>	<b>5709</b>	<b>122</b>	<b>2.2%</b>
<b>Total Part One Crimes</b>	<b>6123</b>	<b>6241</b>	<b>118</b>	<b>1.9%</b>

The following chart provides historical crime data for Part One Crimes from 2015 through 2021.

Year	Homicide	Rape	Robbery	Agg Assault	Burglary	Larceny	Auto Theft	Arson
2015	1	44	330	155	1090	4099	717	22
2016	2	54	361	185	805	3965	650	24
2017	1	83	364	218	843	4556	621	30
2018	1	65	353	167	829	4004	548	31
2019	0	74	369	175	771	4993	492	17
2020	5	47	274	210	797	3933	805	52
2021	0	57	265	210	803	3736	1098	72

### Gun Violence and Firearm Seizure:

Total numbers of shootings continue to rise in the City of Berkeley. In 2021, there were 52 confirmed shooting incidents versus 40 in 2020. Confirmed shooting incidents

include witnessed events as well as loud report calls where shell casings or other evidence of gunfire is found. In 2021, BPD's closure rate for shootings was 38% despite the fact that many incidents are heard only or have few witnesses or leads. Forensic and electronic evidence, diligent and detailed investigative efforts, as well as community support sharing information are critical to developing leads and chargeable cases.

SHOOTINGS	2018	2019	2020	2021
<b>TOTAL</b>	<b>20</b>	<b>28</b>	<b>40</b>	<b>52</b>
<b>Cases Closed</b>	11	9	23	20
<b>Cases Charged</b>	6	6	15	15

In 2021 there were a total of 118 firearms recovered by BPD, which was an increase of 38.8%. In 2021, 33 of the firearms seized were ghost guns compared to 6 in 2020 and 8 in 2019.

FIREARM RECOVERY METHODS	2019	2020	2021
Patrol response to calls for service	33	36	51
Patrol proactive traffic stops	25	17	24
Detective follow-up investigations	29	32	43
<b>TOTAL firearms recovered</b>	<b>87</b>	<b>85</b>	<b>118</b>

Robbery:

Total robbery cases remained below pre-pandemic levels. The most notable change during the pandemic was the closing gap between pedestrian and commercial robberies.

ROBBERY CASES	2018	2019	2020	2021
Pedestrian	229	247	131	119
Commercial	108	97	117	118
Home Invasion	5	4	8	8
Bank	3	2	5	6
Carjacking	10	14	13	14
<b>TOTAL</b>	<b>355</b>	<b>364</b>	<b>274</b>	<b>265</b>

### Hate Crimes:

In 2021 there were 42 incidents of hate crimes, up from 12 in 2020. In 2021, through September there were 28 reported incidents. Hate Crime reports continue to be primarily reported as crimes of intimidation (either by using slurs or by leaving graffiti) rather than crimes of violence.

<b>HATE CRIMES</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Race/Ethnicity/ National Origin	11	5	7	28
Religion	3	1	2	11
Sexual Orientation	3	2	1	3
Gender	1	0	2	0
Disability	0	0	0	0
<b>TOTAL</b>	<b>18</b>	<b>8</b>	<b>12</b>	<b>42</b>

### Property Crimes:

In addition to the Part One Property Crimes data provided above, additional property crime totals were as follows:

	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Catalytic Convertor Thefts</b>	150	523	477
<b>Auto Burglary</b>	2473	1042	1021

### COLLISION DATA

In 2021, total collisions increased by 199, or 33.8%, from the year prior. Fatal collisions increased significantly and there were also increases overall in both injury and non-injury collisions.

<b>COLLISIONS</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Fatal collisions	4	2	7
Injury collisions (includes fatal collisions)	521	316	433
Non-injury collisions	408	273	355
<b>TOTAL collisions</b>	<b>929</b>	<b>589</b>	<b>788</b>

In 2021, the most common cause of collisions (primary collision factor or PCF) were unsafe speed, unsafe turn and right of way violations. In 2021, bicycles were involved in 93 of the injury collisions and pedestrians were involved in 62. The at fault party was found to be the bicyclist in 58 collisions and the pedestrian in 5 collisions. Of the 7

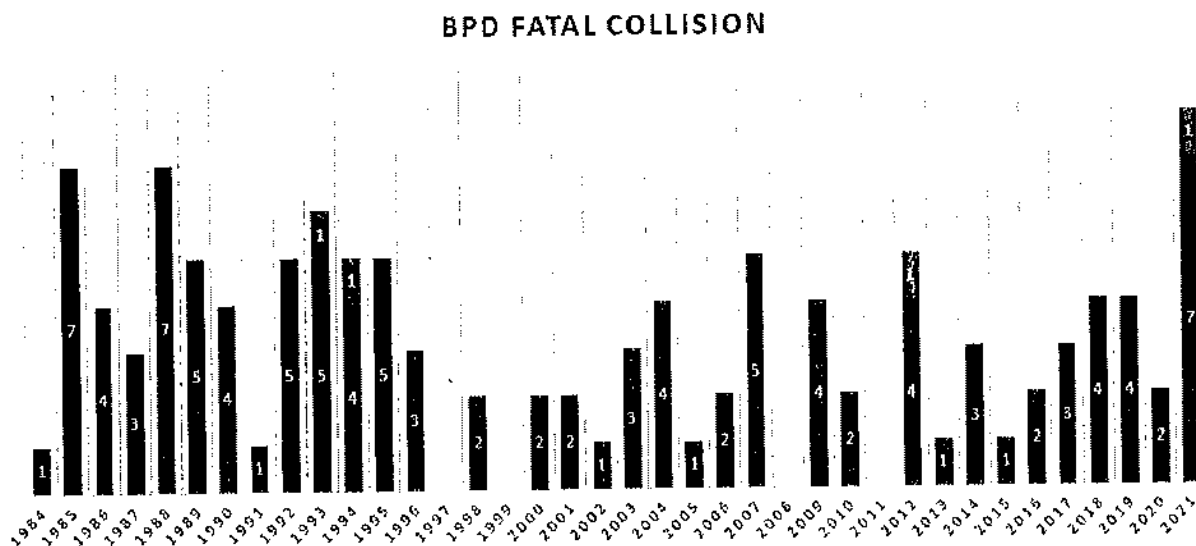


collision fatalities in the City of Berkeley in 2021, 5 of the fatalities were pedestrians. In 2021, 39 collisions were DUI involved compared to 46 in 2020. Of these 39 DUI collisions, 16 caused serious injuries.

Ashby Avenue and San Pablo Avenue had the largest number of collisions in 2021 followed by Ashby and Shattuck Avenue, and Ashby Avenue and Martin Luther King Jr Way. The top ten intersections where collisions occurred were:

COLLISION INTERSECTIONS	Collisions
Ashby Ave / San Pablo Ave	14
Ashby Ave / Shattuck Ave	12
Ashby Ave / MLK Jr Way	9
University Ave / 6th St	9
University Ave / Sacramento St	7
University Ave / MLK Jr Way	7
Sacramento Ave / Cedar St	7
Sacramento St / Dwight Way	6
Eastshore Hwy / Gilman St	6
Cedar St / Shattuck Ave	5

The following provides historical data on fatal collisions in the City of Berkeley:



Total fatal collisions	Number of fatalities	Year(s)
7	<u>8</u>	2021
7	7	1985 1988
6	6	none
5	<u>6</u>	1993
5	5	1989, 1992, 1995, 2007
4	<u>5</u>	1994, 2012
4	4	1986, 1990, 2004, 2009, 2018, 2019
3	3	1987, 1996, 2003, 2014, 2017
2	2	1998, 2000, 2001, 2006, 2010, 2016, 2020
1	1	1984, 1991, 2002, 2005, 2013, 2015
0	0	1997, 1999, 2008, 2011

The BPD will continue to collect, analyze and report on crime and collision data to understand and guide needs, the effectiveness of enforcement strategies and shape future deployment and resource allocation.

ENVIRONMENTAL SUSTAINABILITY

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

cc: Jen Louis, Interim Chief of Police

## Search and Seizure

### 311.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Berkeley Police Department personnel to consider when dealing with search and seizure issues.

### 311.2 POLICY

It is the policy of the Berkeley Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Officers seeking a consent search should obtain written consent on a *Berkeley Police Department Consent Search Form*, unless an officers safety or exigency issue exists. When either of the

# Berkeley Police Department

## Law Enforcement Services Manual

### *Search and Seizure*

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aforementioned exist, the officer shall obtain the consent on body worn camera (BWC) and document the reason in the MDT/incident/case report.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

#### **311.4 SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
  1. Another officer or a supervisor should witness the search.
  2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **311.5 ASKING IF A PERSON IS ON PROBATION OR PAROLE**

In an effort to foster community trust, officers should not ask if a person is on probation or parole when a person has satisfactorily identified themselves, either verbally or by presenting identification documents.

Officers may determine probation or parole status through standard records checks conducted in the course of a traffic safety or investigative stop. Officers should only ask when necessary to:

- (a) Protect the safety of others, the person detained, or officers;
- (b) Further a specific law enforcement investigative purpose (for example, sorting out multiple computer returns on a common name);
- (c) To confirm probation and parole status subsequent to a records check.

If an officer needs to ask the question, "Are you on probation or parole?" the officer should do so while treating the person with dignity and respect, and being mindful that people may take offense at the question.

# Berkeley Police Department

## Law Enforcement Services Manual

### Search and Seizure

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#### **311.6 WARRANTLESS SEARCHES OF INDIVIDUALS ON SUPERVISED RELEASE SEARCH CONDITIONS**

In accordance with California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their probation. Officers shall only conduct probation or parole searches to further a legitimate law enforcement purpose. Searches shall not be conducted in an arbitrary, capricious, or harassing fashion.

Officers shall not detain and search a person on probation or parole solely because the officer is aware of that person's probation or parole status. The decision to detain a person and conduct a probation or parole search, or otherwise enforce probation or parole conditions, should be made, at a minimum, in connection with articulable facts that create a reasonable suspicion that a person may have committed a crime, be committing a crime, or be about to commit a crime.

#### **311.7 DOCUMENTATION**

Officers shall document, via MDT disposition, Field Interview, Incident or Case Report, any search of a person, vehicle or location. Officers should consider documenting, as applicable, the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.





# BAY AREA LAW ENFORCEMENT OVERSIGHT FORUM

May 3, 2019 – Oakland, CA



## Community Conversation on the City of Berkeley's Recruitment for the Director of Police Accountability

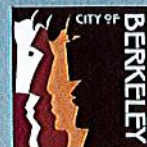
Monday, February 7, 2022  
6 PM (via Zoom)

We would like for you to share your thoughts and ideas about the qualifications, qualities, and characteristics that would make an ideal candidate for the Director of Police Accountability.

### Meeting Link:

<https://us02web.zoom.us/j/2265026401>

If you are unable to attend the meeting, we invite you to take a survey and share your thoughts here:  
[www.surveymonkey.com/r/berkeleyPABDirector](http://www.surveymonkey.com/r/berkeleyPABDirector)







**Lee, Katherine**

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**From:** Lee, Katherine  
**Sent:** Tuesday, February 1, 2022 1:11 PM  
**To:** Lee, Katherine  
**Subject:** FW: California's Racial and Identity Profiling Advisory Board Releases Report on Police Stop Data

**Categories:** 2 - For Agenda

Board members,

FYI.

**Katherine J. Lee**  
Interim Director of Police Accountability  
City of Berkeley  
o: 510.981.4960 (usually in office during regular business hours)  
c: 510.926.1103

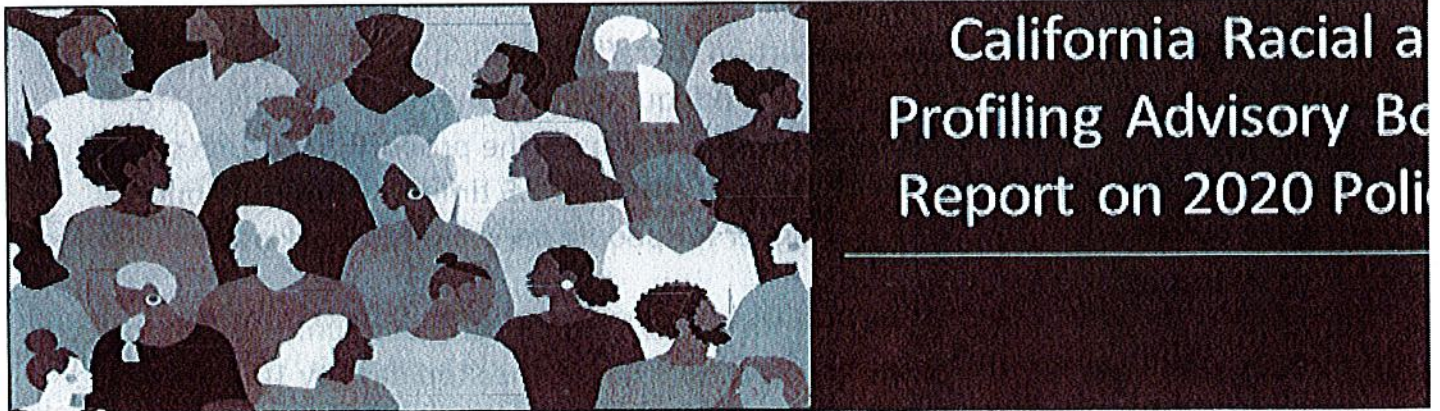
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**From:** Office of the Director of Police Accountability  
**Sent:** Monday, January 31, 2022 4:19 PM  
**To:** Lee, Katherine <KLee@cityofberkeley.info>  
**Cc:** Norris, Byron <BNorris@cityofberkeley.info>  
**Subject:** FW: California's Racial and Identity Profiling Advisory Board Releases Report on Police Stop Data

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**From:** AB953 <AB953@doj.ca.gov>  
**Sent:** Monday, January 31, 2022 4:02 PM  
**Subject:** California's Racial and Identity Profiling Advisory Board Releases Report on Police Stop Data

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.



[a continuación este mensaje se repite en español]

The California Racial and Identity Profiling Advisory Board (Board) announced the release of its **fifth annual report**, published on January 1, 2022, on racial and identity profiling in policing which contains an analysis of the millions of stops conducted in 2020. In addition to providing an in-depth look into policing in 2020, the Board's report contains a wide array of **best practice recommendations** related to consent and supervision searches, pretext stops, community-based accountability, search procedures, civilian complaints, and interactions with people perceived to have a disability or perceived to be transgender. Overall, the findings from the latest RIPA report are consistent with the disparities observed in prior years' data with respect to perceived race, gender, and disability status.

Some of the key findings from the 2020 round of data collection and the second full year of RIPA data include:

- **Number of Stops:** In 2020, 18 law enforcement agencies, including the 15 largest agencies in California, collected data on approximately 2.9 million vehicle and pedestrian stops. This represents a 26.5% reduction in comparison to the number of stops reported in 2019, most likely as a result of COVID-19.
- **Search Rates:** People who were perceived as Black were searched at 2.4 times the rate of people perceived as White. Overall, officers searched 18,777 more people perceived as Black than those perceived as White. In addition, transgender women were searched at 2.5 times the rate of individuals perceived to be cisgender women.
- **Result of Stop:** At the conclusion of a stop, officers must report the outcome, e.g., no action taken, warning or citation given, or arrest. For individuals perceived as Black, officers reported "no action taken" 2.3 times as often as they did for individuals perceived as White, indicating that a higher rate of those stopped who were perceived as Black were not actually engaged in unlawful activity.
- **Use of Force Rates:** Officers used force against people perceived as Black at 2.6 times the rate of individuals perceived as White. In addition, officers used force against individuals perceived to have a mental health disability at 5.2 times the rate of individuals perceived not to have a disability.
- **Traffic Violation Stops:** A higher proportion of traffic violation stops of people perceived as Hispanic or Black were for non-moving or equipment violations as compared to individuals who were perceived as White. For instance, the proportion of such stops initiated for window obstruction violations was nearly 2.5 times higher for people perceived as Hispanic and 1.9 times higher for people perceived as Black as compared to people perceived as White.
- **Population Comparison:** Using data from the 2019 American Community Survey, people who were perceived as Black were overrepresented in the stop data by 10 percentage points and people perceived as White or Asian were underrepresented by three and nine percentage points, respectively, as compared to weighted residential population estimates.



For more on the RIPA data, members of the public are encouraged to review the online RIPA data dashboards available on [OpenJustice](#). The dashboards provide a unique look at the data and will be updated with the new data to help increase public access to information on the millions of stops and searches conducted across California in 2020.

A copy of the 2022 report is available [here](#).

A fact sheet on the report is available [here](#).

A pullout of the recommendations and best practices is available [here](#).

A copy of the Executive Summary is available [here](#).

- [Resumen Ejecutivo](#) (Executive Summary - Spanish)
- [执行纲要](#) (Executive Summary - Chinese)
- [Ehekutibong Buod](#) (Executive Summary - Tagalog)
- [Toát Yếu](#) (Executive Summary - Vietnamese)
- [요약](#) (Executive Summary - Korean)

The report appendices are available [here](#).

More information about the Board is available [here](#).

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El Gabinete Asesor sobre Perfiles Raciales y de Identidad de California (Gabinete) anunció la publicación de su **quinto informe anual**, publicado el 1º de enero del 2022, sobre el uso de perfiles raciales y de identidad por la policía, que incluye un análisis de los millones de detenciones realizadas en 2020. Además analizar en profundidad a la vigilancia policial durante 2020, el informe del Gabinete contiene una amplia gama de **recomendaciones de mejores prácticas** relacionadas con las inspecciones consentidas y de supervisión, las detenciones con pretextos, sistemas de rendición de cuentas basadas en la comunidad, procedimientos para inspecciones, denuncias civiles, e interacciones con personas percibidas a tener una discapacidad o con personas transgénero. En general, los hallazgos del último informe del Gabinete son consistentes con las disparidades observadas en los datos de años anteriores con respecto a la percepción de raza, género, y discapacidades.

Algunos de los hallazgos clave de la recopilación de datos del 2020, el segundo año completo de recopilación de estos datos, incluyen:

- **Número de detenciones:** En 2020, 18 agencias encargadas de la aplicación de la ley, incluidas las 15 agencias más grandes de California, recopilaron datos sobre aproximadamente 2.9 millones de detenciones de vehículos y peatones. Esto representa una reducción del 26.5% en comparación con el número de detenciones reportadas en 2019, muy probablemente debido a COVID-19.
- **Tasas de inspección:** Las personas percibidas como negras fueron inspeccionadas 2.4 veces más frecuentemente que las personas percibidas como blancas. En conjunto, las y los oficiales inspeccionaron a 18,777 más personas percibidas como negras que personas percibidas como blancas. Asimismo, las mujeres transgénero fueron inspeccionadas a una tasa 2.5 veces mayor que las personas percibidas como mujeres cisgénero.
- **Resultados de las detenciones:** Al concluir una detención, las y los oficiales deben reportar el resultado, por ejemplo, no se tomó ninguna medida, se dio una advertencia o citación, o se realizó un arresto. Para las personas percibidas como negras, las y los oficiales reportaron que “no se tomaron medidas” con una frecuencia 2.3 veces superior que en las detenciones de personas percibidas como blancas, lo que indica que una tasa más alta de personas detenidas que eran percibidas como negras no estaban realmente involucradas en actividades ilegales.
- **Tasas de uso de la fuerza:** Las y los oficiales usaron la fuerza contra personas percibidas como negras a una tasa 2.6 veces mayor que la de las personas percibidas como blancas. Asimismo, las y los oficiales usaron la fuerza contra personas percibidas a tener una discapacidad de salud mental a una tasa 5.2 veces mayor que la de las personas percibidas a no tener una discapacidad.
- **Detenciones por infracciones de tránsito:** Una mayor proporción de las detenciones por infracciones de tránsito de las personas percibidas como hispanas/latinas o negras fueron por violaciones de equipo u otras violaciones no relacionadas a la circulación en comparación con las personas percibidas como blancas. Por ejemplo, la proporción de dichas detenciones basadas en violaciones de obstrucción del parabrisas fue casi 2.5 veces mayor para las personas percibidas como hispanas/latinas y 1.9 veces mayor para las personas percibidas como negras en comparación con las personas percibidas como blancas.
- **Comparación con la población:** Utilizando datos de la Encuesta de la Comunidad Estadounidense como referencia, las personas percibidas como negras estaban sobrerrepresentadas en los datos sobre detenciones en 10 puntos porcentuales y las personas percibidas como blancas o asiáticas estaban subrepresentadas en tres y nueve puntos porcentuales, respectivamente, en comparación con las estimaciones de la población residencial ponderada.

Para obtener mayor información sobre los datos recopilados bajo RIPA, se invita a los miembros del público a revisar el portal de datos de RIPA en línea disponible en [OpenJustice](#). Las distintas pantallas en el portal brindan una visualización especial de los datos y serán actualizados con los nuevos datos para incrementar el acceso del público a la

información sobre los millones de detenciones e inspecciones realizadas en California en 2020.

Una copia del informe del 2022 está disponible [aquí](#).

Una hoja informativa sobre el informe está disponible [aquí](#).

Un extracto con las recomendaciones y mejores prácticas está disponible [aquí](#).

Una copia del Resumen Ejecutivo está disponible [aquí](#).

- [Executive Summary](#) (Resumen Ejecutivo - inglés)
- [执行纲要](#) (Resumen Ejecutivo - chino)
- [Ehekutibong Buod](#) (Resumen Ejecutivo - tagalo)
- [Toát Yếu](#) (Resumen Ejecutivo - vietnamita)
- [요약](#) (Resumen Ejecutivo - coreano)

Los apéndices del informe están disponibles [aquí](#).

Información adicional sobre el Gabinete está disponible [aquí](#).

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.



**Lee, Katherine**

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**From:** Emilie Raguso <emilie@berkeleyside.org>  
**Sent:** Wednesday, January 26, 2022 9:53 PM  
**To:** Lee, Katherine  
**Subject:** Tsunami response / Berkeleyside deep dive

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

As per tonight's discussion on the city's tsunami response, please pass on this article to the PAB:

<https://www.berkeleyside.org/2022/01/23/berkeley-moved-fast-alert-public-tonga-tsunami-marina-evacuation>

many thanks,

—Emilie Raguso, [Berkeleyside](#) senior editor, news  
c: 510-459-8325  
e: [emilie@berkeleyside.org](mailto:emilie@berkeleyside.org)





# Berkeleyside

CITY

## With the Tonga tsunami surge coming, Berkeley moved fast to alert the city

Berkeley's decision to evacuate the marina followed the data, a state expert told Berkeleyside: "That's a good thing. Especially in this particular event."

By Emilie Raguso, Jan. 23, 2022, 8:44 a.m.

On Jan. 15, seawater from a tsunami surged into the Berkeley Marina following an underwater volcano eruption in Tonga. Credit: Jacqueline Bott, California Geological Survey

The city of Berkeley communicated sooner and more broadly than all of its East Bay neighbors to warn the public Jan. 15 about the Tonga tsunami as it approached.

Was the execution of its messaging perfect? It was not. And the city has already begun debriefing and compiling lessons learned.

But, when stacked up against how other local agencies moved to notify their communities last weekend, there is reason for optimism when it comes to Berkeley's approach to impending disaster.

In recent days, Berkeleyside painstakingly reviewed, to the greatest extent possible, all of the emergency notifications local agencies put out Jan. 15 as the tsunami neared the East Bay. Most of these agencies use AC Alert or Nixle, or a combination of the two systems, to push out text and email alerts to their communities.

On the day of the tsunami, Berkeley was the very first city in Alameda County to begin publishing alerts. It also put out more alerts than any other agency.

Most importantly, Berkeley also followed the latest state guidance when it ordered mandatory evacuations in the tsunami hazard zone; it was one of just a few local agencies to do so.

Rick Wilson, who runs the Tsunami Unit of the California Geological Survey, said Berkeley's decision to evacuate its marina was in line with state data: "That's a good thing. Especially in this particular event. Tsunamis can be tricky. They act differently in different locations."

Some jurisdictions — Alameda County, Emeryville and the city of Alameda — put out one-off notices that did not reference mandatory evacuations. Oakland and Richmond do not appear to have put out any notices at all.

**What might Berkeley face in a worst-case tsunami? See the local hazard map.**

Those disparate responses cannot be explained by substantially differing risk levels. State experts

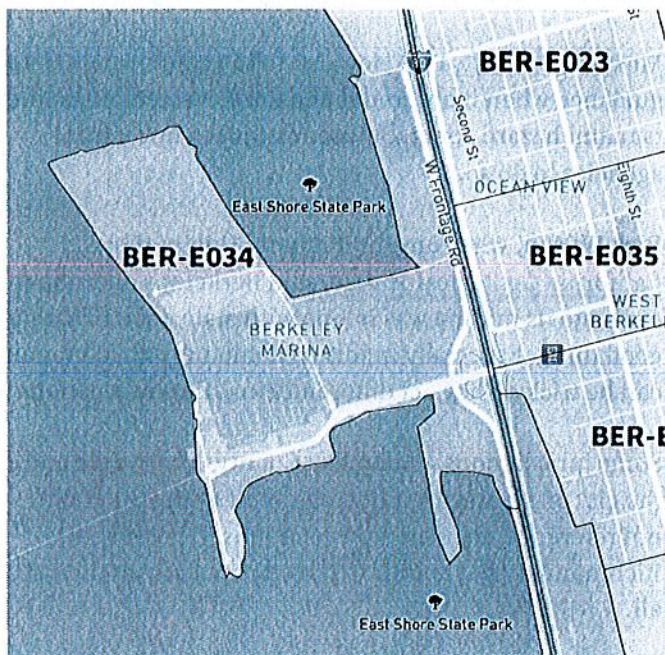
like Wilson say "sizeable areas" of Alameda, Oakland and Berkeley "could be flooded up to an 18-foot elevation" in a worst-case tsunami event.

The extraordinary circumstances and mish-mash of approaches by authorities last weekend left many members of the public confused and, for a period of time, perhaps more alarmed than they needed to be. An unfortunate word choice early in the day may also have contributed to some of the tumult.

Here's a close look at how the day unfolded.

## 'Get out of your boat and off the docks now'

After the Tonga eruption on Jan. 15, the National Weather Service (NWS) issued a tsunami advisory at 5:27 a.m. for the entire California coastline and beyond "until further notice." An NWS email about the advisory in Alameda County read: "If you are located in this coastal area, move off the beach and out of harbors and marinas." Similar NWS emails went out hourly until the tsunami advisory was lifted in the Bay Area at nearly 8 p.m.



The city evacuated more than 100 people from their boats in Zone BER-E034 last weekend. Do you know your evacuation zone? Find it on Zonehaven.

At about 7 a.m., a local resident alerted Berkeleyside that police were going "Code 3" — with lights and sirens — to the Berkeley Marina. Officers blocked the roads into the waterfront and began going door to door on the docks to tell residents living on boats to come ashore. More than 100 people were ultimately evacuated.

At about the same time, the city of Berkeley began to send out emergency notifications. These messages included four AC Alerts targeting marina residents and

businesses, and three Nixle alerts to the broader community.

Folks with landlines who are within the evacuation zone and signed up for AC Alerts got phone calls about the evacuation order, too, the city said. The AC Alert messages were also posted on Alameda County Office of Emergency Services Twitter and Facebook accounts; it's unclear how many Berkeley residents routinely monitor those pages, which appear to have a limited following.

Berkeley uses both notification systems, AC Alert and Nixle, for different purposes. This has led to some confusion. The Berkeley Police Department alone uses the Nixle system, but sometimes it sends messages on behalf of BFD. That's what happened on the day of the tsunami.

The Berkeley Fire Department and other city staff use AC Alert, a newer system that has shifted, in both ownership and scope, since its adoption by the city in 2017. That has also led to some head-scratching. Not long ago, the city asked community members to sign up for both systems so they don't miss key messaging.

In its first message last weekend, Berkeley targeted people who live and work in the marina to give them as much time as possible to evacuate. That's Evacuation Zone BER-E034 in Berkeley's Zonehaven system, which the city launched just last year amid wildfire season.

"People in Berkeley Marina, GET OUT OF YOUR BOAT AND OFF THE DOCKS NOW," read the first message, sent via AC Alert at 7:03 a.m. "EVACUATION ORDER is due to a tsunami that is scheduled to arrive in Berkeley at 8:10 am. 1-2 feet waves possible, carrying dangerous energy that can damage boats and docks. See [tsunami.gov](https://tsunami.gov)."

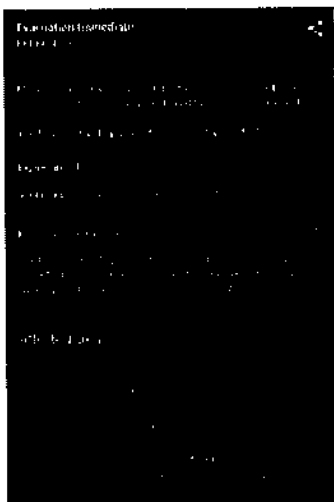
The city dispatched police, firefighters, parking enforcement officers and staff from its Parks Recreation & Waterfront department to aid in the marina evacuations, the city told Berkeleyside. It made sure phones were attended throughout the day in the waterfront office. City staff also "made personal calls to Marina berthers to ensure they had evacuated," the city said. "This layered, very personal outreach reflected the very high level of concern to help those who might be affected and address any questions that might arise."

## Warning or advisory? With tsunami alerts, it makes a difference

The rest of Berkeley — the more than 20,000 people who are signed up for BPD's Nixle messages, at any rate — woke to a 7:14 a.m. text and email from the police department about the mandatory evacuation: "People living in the Marina or the area of need to evacuate immediately," the Nixle alert said.

The message said the Berkeley Fire Department had ordered a mandatory evacuation for marina residents and "those living in the area." The vagueness of the potentially impacted geography — and the broadness of the recipient list — left some community members wondering if they needed to worry. The Nixle message also noted an "Extraordinary threat to life or property" requiring immediate action.

The message said 2- to 3-foot waves were expected around 7:30 a.m. and described the notification as a "warning." That seemingly simple word choice may have had ripple effects that extended throughout the county.



The Google evacuation notice. (Click the image to view it larger.)

It didn't help matters that, around this time, Google also sent a push alert to Android users highlighting the need for immediate evacuation. It included the text of the Nixle alert but also featured a map — credited to BPD — that showed the entire city of Berkeley as the "affected area." BPD had not used that map in its alert.

"I got this so I just read the first line and looked at the map and drove up Marin Ave.," one

community member wrote on Twitter. "The first notice was vague enough that my neighbors are all up and confirming that actually we're fine," another replied. (Google did not respond to a Berkeleyside request for

comment.)


Throughout the day, the Bay Area branch of the National Weather Service ([NWS Bay Area](#)) provided timely, reliable alerts on Twitter.

"The arriving tsunami will come in pulses of surging water levels onto and off of the coast, similar to 'high tide'. Do not expect to identify these arriving pulses by large cresting waves/surf," the agency posted at 8:39 a.m. "These water level surges can overwhelm and overtake people and pull them out to sea."

In fact, people who had tuned into NWS Bay Area on Twitter were likely far ahead of the curve. At 3:34 a.m., the agency tweeted that the National Tsunami Warning Center was analyzing post-eruption data to determine the tsunami threat to California and other places. At 4:55 a.m., it tweeted word of the tsunami advisory. That was followed by more tsunami advisory tweets with updated weather forecasts as they became available.




At 7:26 a.m., NWS Bay Area took a moment to remind people about the difference between a tsunami advisory and the other alert levels.



NWS Bay Area   
@NWSBayArea

A Tsunami \*Advisory\* remains in effect this morning. Wondering what this graphic explaining more along with you should take. #cawx

7:26 AM · Jan 15, 2022

 465  Reply  Share

Read 11 replies

As defined by the National Tsunami Warning Center, and perhaps unbeknownst to many, the highest possible tsunami alert is called a warning. That signals imminent danger with a seawater surge of more than 3 feet expected. The direction is to get to high ground or inland immediately due to flooding and other dangerous conditions.

The next level down is an advisory — what was actually in effect throughout California after the Tonga tsunami. People are advised to stay out of the water and away from shore due to strong currents and dangerous waves. A surge of 1-3 feet is expected. Beneath that is the “watch” alert, where a tsunami is only “possible” and people are advised to “prepare to take action.”

NWS Bay Area told Berkeleyside that there is often confusion around these terms because they have both colloquial and technical definitions. That's especially true for an occurrence as rare as a tsunami, and also why the agency tweets about the scale.

“Around the time things were starting Saturday, we got some social media chatter like, what does this mean? What should we do?” NWS Bay Area meteorologist Sean Miller told Berkeleyside. “It’s the kind of thing where, whenever we have any kind of high-impact event, we typically do that anyway.”

## In the inner East Bay, only Berkeley and Albany announced tsunami evacuations

Meanwhile, Alameda County was a full 35 minutes behind Berkeley with its single, brief AC Alert of the day at 7:38 a.m.: “Due to Tsunami at Along [sic] the coastal regions of Alameda County, be advised of potential rising water. The NOAA has issued a Tsunami warning for the entire west coast with potential impacts around 8 AM.”

That message repeated the confusing word — “warning” — and perhaps extended the haze by including the graphic (which appears in the tweet above) that defines the key alert types authorities use during tsunamis. One-off messages from UC Berkeley and Emeryville PD also described the emergency notification as a “tsunami warning.”

“Waves and strong currents are expected,” the 7:35 a.m. UC Berkeley WarnMe message said. In the message, UC Berkeley said Berkeley PD had issued a mandatory evacuation order in the waterfront: “People living in the Marina area need to evacuate immediately.”

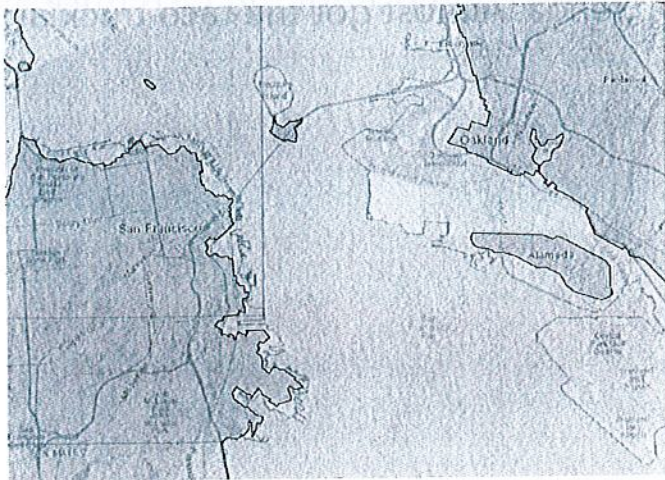
The 7:56 a.m. Emeryville Nixle message made no mention of evacuations and urged those seeking additional information to “please visit the National Weather Service website.” No link to that website was provided.

“The National Weather Service issued a Tsunami warning for the Emeryville coastline area to include the Emeryville Marina,” the alert said, telling community



members to “Take necessary safety precautions” because “one foot to two feet waves are possible.”

“This warning is in effect until 9:00 am today,” Emeryville advised. In fact, authorities had set no end-time for the tsunami advisory.



Oakland, Alameda and Emeryville include substantial tsunami hazard zones but did not call for evacuations last weekend. Credit: State of California

The city of Alameda did not put out its AC Alert until just before 9 a.m.: “This is an advisory for potential rising water due to the tsunami along the coastal regions of Alameda County. A tsunami warning has been issued for the entire west coast with waves arriving in pulses throughout the day. Avoid venturing onto the immediate coastline today.” Again, a repeat of the word “warning” and no mention of evacuations.

On Twitter, multiple Berkeleyside readers pointed out the problem of the warning-vs-advisory terminology: “Lots of confusion about the severity this morning,” wrote Stefan Lasiewski. “In reality, our area doesn’t face many severe threats and thus the operators don’t have much real world practice. The tools & procedures need to be clear and simple to use to reduce the chance of mistakes.”

**Paul Myers**

@pulmyears

FYI we’re not in Berkeley and quite a we got this text about an hour ago. down by the water they might get a by 9 AM Pacific. Berkeley Marina is r and those living near the water sho but we are OK up here.

8:18 AM · Jan 15, 2022

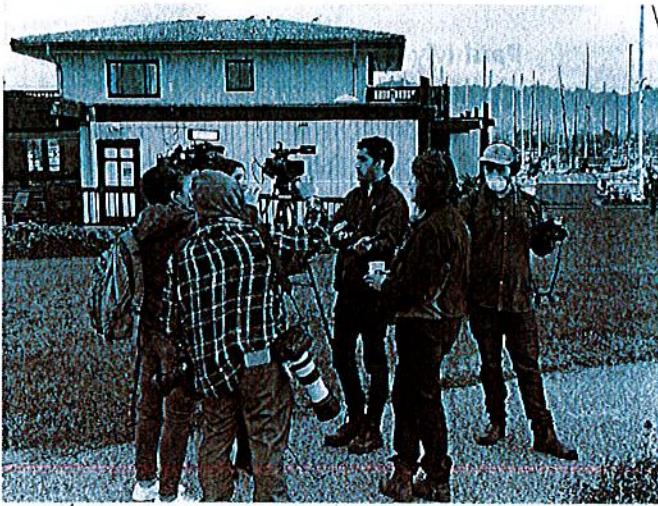
♡ 60    💬 Reply    ↗ Share

**Read 5 replies**

Some local residents questioned the need for city-wide notifications. One called the tsunami threat to Berkeley “totally bogus.” Another called the messaging “Kind of strange,” adding, “the tsunami alert isn’t meant for anyone on land.”

“I’m going to assume that someone made a split second decision to risk overreacting because they weren’t set up to alert ONLY the Marina,” another community member wrote. “But it was startling to wake up to.”





Some of the reporters covering the Tonga tsunami in the Berkeley Marina on Saturday, Jan. 15, 2022. Credit: Scott Stanfield

As of about 10 a.m., the Berkeley Marina was “packed with reporters,” local photographer and resident Staci Prado told Berkeleyside. The roads were still blocked to vehicles, but many people entered the marina on foot to witness the unusual weather firsthand. There were no big waves crashing, but there was a noticeable increase in the seawater flow and unusual patterns in the water.

The American Red Cross also responded to the marina to ensure residents who had to leave their boats were as comfortable as possible.

“The hot coffee was welcome (and finished),” Red Cross volunteer Scott Stanfield told Berkeleyside. “One live-aboard asked if we had dog toys and we did! (A little mickey mouse toy.) I think, if you could ask the residents we served (about 30), they likely appreciated the cell phone charger!”

At 10:20 a.m., Berkeley sent out its second AC Alert to marina residents: “EVACUATION ORDER is still in effect for the Berkeley Marina boats, docks, and shoreline. The Tsunami Advisory is still in effect. See [tsunami.gov](http://tsunami.gov), and [community.zonehaven.com](http://community.zonehaven.com) for details.”

A similar message went out to all of Berkeley via Nixle about 30 minutes later, this time using the word “advisory” rather than “warning.” In subsequent messages, Berkeley did not use the word “warning” again.

susancharlin

susancharlin  
@susancharlip

Replying to @berkeleyside

Good thing they evacuated the boat Berkeley Marina due to the massive Tonga. Almost got the taco truck at

3:32 PM · Jan 15, 2022

♡ 4    💬 Reply    ↗ Share

Read 1 reply

The next Berkeley AC Alert came at 3:30 p.m. saying evacuation orders had been lifted but the tsunami advisory remained in effect: “Use caution on boats and docks,” the message said. It again pointed to [tsunami.gov](http://tsunami.gov) and [community.zonehaven.com](http://community.zonehaven.com). A Nixle at 4:40 p.m. had the same information.

There followed a lull. At 7:52 p.m., a Berkeley AC Alert announced the end of the tsunami advisory. That message did not go out via Nixle.

Oakland and Richmond police both use the Nixle system but seem to have issued no emergency messages throughout the day Jan. 15. It’s unclear whether Contra Costa County put out any tsunami notifications because only active alerts are visible on its website.



Aside from Albany, no local agency aside from Berkeley appears to have sent out a single tsunami notification after 9 a.m.

Albany put out three messages during the day. As with the other jurisdictions, the initial 7:41 a.m. message described the alert as a “tsunami warning.” Like Berkeley, it also called for the emergency evacuation of its most low-lying section of town, which includes the Albany Bulb park and Golden Gate Fields racetrack. It said the “Tsunami ETA” was 8:10 a.m.

Its next message, a “tsunami advisory” at 11:13 a.m., urged community members to “Avoid the Albany Shoreline.” Its final message of the day advised community members at 7:50 p.m. that the advisory had been lifted.

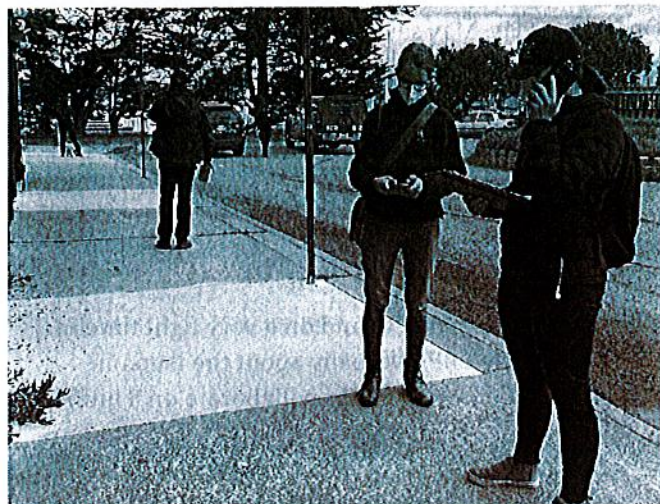
## Berkeley tsunami was ‘a curveball for the system’

After the tsunami surge, most people in Berkeley seemed to return to their regularly-scheduled three-day weekend. For some, come the workweek, the wild weekend weather was a distant memory.

Other parts of the coastal Bay Area and Santa Cruz had seen harbor damage, dramatic flooding and big waves, not to mention ocean rescues. In Berkeley, not so much. Local authorities said there was no noticeable damage in the waterfront.

But that hasn’t stopped the city from taking stock of what worked last weekend and what might be improved.

“It was a curveball for the system,” Assistant Berkeley Fire Chief Keith May told Berkeleyside. “This is a new tsunami plan we just started working on last year. We had enough of it down so we could roll with it.”



Berkeley first responders focused on the marina during the Tonga tsunami event Saturday, Jan. 15, 2022. Credit: Scott Stanfield

May said Berkeley gets its guidance about how to proceed when a tsunami is coming from Cal OES (the California Governor’s Office of Emergency Services). After the 2011 earthquake in Japan, the state created a tsunami playbook that it’s regularly revising. The playbook outlines what actions jurisdictions should take depending on what level of surge is expected.

According to the latest state guidelines, May said, Berkeley was to evacuate people from boats, docks and shorelines.

“That’s what our plan calls for,” May said. “The priority was to get the people off the boats. For that, I think it went very well, even if we were the only ones in Northern California evacuating people off the coastline.”

As of Friday, it wasn’t entirely clear which other places might have proceeded with evacuations. The state is still collecting that data.

But May said he had fielded a number of calls during the tsunami response from local agencies that had questions about what Berkeley was doing — and why. Berkeley was following the state guidance, he told them.

This past Wednesday, several of the individuals who are tasked with pushing city of Berkeley announcements out to the community met for a debrief. This coming week, another session is planned for first responders.



On Wednesday, May said, a few key areas for improvement came up, such as making sure enough city staff are on hand early to come up with a crafted, clear message for the broader community. In response to a Berkeleyside question, May said he wasn't sure exactly how the word "warning" had gotten into the Nixle mix.

Under the circumstances and on a very tight timeline, he had debriefed BPD verbally about the tsunami threat. Next time, staff would collaborate on a unified, fully vetted message for the city.

"I give the police department a lot of credit," May said. "It's hectic, you're in the heat of the moment. It's someone who doesn't necessarily know the tsunami policy. I could see that translation getting kind of lost."

May said he would have liked to put out messages on Twitter last weekend and to have had a spokesperson at the waterfront earlier in the day. He's also planning to work on more robust messaging to other local agencies.

The middle-of-the-night timing on a holiday weekend certainly didn't make things easier. May himself was on vacation in Tahoe when the underwater volcano erupted in Tonga. The initial tsunami alert from the state, which came in on his personal phone, woke him up.

May said he later learned he was the only Berkeley staffer to get the state alert. Last year he had submitted a long list of Berkeley emergency contacts to Cal OES for that purpose, but the state had switched to a platform where only one person per jurisdiction is notified. May said he is pushing to get at least three people from Berkeley on that list.

May said the AC Alert messages to the people most at risk, those in the marina, had worked as planned and

**Learn more about [Zonehaven](#) in past Berkeleyside coverage**

that Zonehaven, a Bay Area-wide system, had reported its largest spike of the day in Alameda

County. That was true even though the biggest weather impacts took place elsewhere.

May said he saw that as a good sign on the notification front: "People were getting the message," he said.

## Resources to prep for natural disasters in Berkeley

It can be overwhelming to track all the resources related to staying safe if a disaster strikes in Berkeley. Here are some of the key links to help you prepare.

- **Zonehaven:** Learn your evacuation zone and get alerts about local impacts
- **Emergency updates:** Sign up for AC Alert, Nixle and UC Berkeley's WarnMe system
- **Get ready:** Emergency resources from the city of Berkeley and Cal OES
- Don't forget ready.gov and tsunami.gov for **resources from the feds**
- See Alameda County tsunami resources via CGS
- Are there **natural hazards** near you? Cal OES has a map for that
- Find **Bay Area weather updates** at weather.gov and at NWS Bay Area on Twitter
- Learn about **PG&E** power outages
- And of course, check Berkeleyside Twitter and sign up for Bside breaking news alerts

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