

# Surveillance Use Equipment Presentation

## Public Safety Policy Committee

- Brief presentation on the proposed policies for external fixed surveillance cameras and unmanned aerial systems.
- Address concerns that have been raised.
- Availability for question and answers



# External Fixed Video Surveillance Cameras

- **What is an external fixed video surveillance camera?**
- These are cameras in public spaces that face public right of ways that are used primarily to aid in investigations. Access is purpose driven guided by our robust policy. A permissible need must be met prior to officer would have authorized access.
- **Why is this tool so important?**
- These cameras are important to assist BPD in our crime reduction and crime solving strategies. With the recent rise in shootings are grand thefts like catalytic converters, BPD would be able to augment it's investigative tools through the use of these cameras.



# External Fixed Video Surveillance Cameras

## History of the external fixed video surveillance cameras

- 12/14/21 City Council adopted an agenda item for Public Safety Cameras in public right of way affixed to City property.
- Due to litigation, the City Attorney's Office asked that an acquisition report, and policy be drafted that follows the surveillance ordinance for the aforementioned public safety cameras in addition to the cameras at San Pablo Park, the Marina, and Transfer Station.
- 03/08/23 this item was discussed at PAB during a Special Meeting.
- 03/20/23 this item will be discussed at PSPC during a meeting.
- Likely going to City Council in May of 2023 barring any unforeseen circumstances, and pending the recommendation of PSPC.



# External Fixed Video Surveillance Cameras

- BPD does not have past experiences to rely on relating to the public safety cameras that are proposed. We have multiple instances wherein the cameras at San Pablo Park were very helpful in follow up investigations for our Detective Division.
- The proposed policy was not authored exclusively for the public safety cameras proposed, but rather those in existence coupled with the proposed cameras. This policy was tailored and drafted to be restrictive enough to put permissibility factors in place that usefully guide BPD while ensuring the Community's concerns over privacy and civil rights were adequately addressed.



# External Fixed Video Surveillance Cameras

## PAB Concerns

- Concerns regarding two policies.
- Concerned over intended uses for “a variety of purposes”
- Asked to remove permissibility of the cameras in critical incidents, documenting officer and offender interactions, augmenting resources, documenting employer/customer conduct, and limiting traffic uses to criminal investigations.
- Concerned over the retention period.



# External Fixed Video Surveillance Cameras

- The Department is asking that Public Safety Policy Committee provide a Positive Recommendation on the proposed policy uses. We firmly believe with clearly defined guidelines as outlined in BPD's proposed policies the Department can continue to provide exceptional public services.
- The Department believes this a very useful tool which will greatly benefit the department in our investigatory abilities. This is a tool that is commonly used in many cities our size to address concerns over crime patterns, trends, and currently the rise in crime in general.
- The Department will report this equipment annually in our surveillance report.





# Unmanned Aerial Systems

## 2.99.040 Temporary Acquisition and Use of Surveillance Equipment.



Notwithstanding the provisions of this Chapter, the City Manager may borrow, acquire and/or temporarily use Surveillance Technology in Exigent Circumstances without following the requirements in Sections [2.99.030](#) and [2.99.040](#). However, if the City Manager borrows, acquires or temporarily uses Surveillance Technology in Exigent Circumstances they must take all of the following actions:

1. Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged;
2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed Surveillance Acquisition Report and Surveillance Use Policy, as applicable, to the City Council within 90 days following the borrowing, acquisition or temporary use, and receive approval, as applicable, from the City Council pursuant to Sections [2.99.030](#) and [2.99.040](#); and
3. Include the Surveillance Technology in the City Manager's next annual Surveillance Technology Report. (Ord. 7592-NS § 2 (part), 2018)

5. "Exigent Circumstances" means the City Manager's good faith belief that an emergency involving imminent danger of death or serious physical injury to any person, or imminent danger of significant property damage, requires use of the Surveillance Technology or the information it provides.



# Unmanned Aerial Systems

## **What is a unmanned aerial system?**

Unmanned aerial system (UAS) is commonly referred to as a drone. Drones have become increasingly popular, and capable of performing varying tasks. For the purpose and desired uses of the Berkeley Police Department we are seeking a more efficient method of requesting mutual assistance in seeking and deploying drones. The drones BPD would seek to use provide live-stream imagery from the device to the controller. Do to the fact the drone records video and remotely transmits the video it qualifies as surveillance technology per BMC 2.99.020(1).

## **Why is this tool so important?**

Drones are a technology tool that offers a method of de-escalation. De-escalation in the simplest form is providing greater time and distance to create an advantage to have a more peaceful resolution.





# Unmanned Aerial Systems

## History of unmanned aerial systems

- BPD has consistently had the need to utilize drones a few times a year for the past several years. At the recommendation of the City Attorney's Office it was determined that the circumstances may continue to arise in the future.
- BPD is seeking to use surveillance technology that was previously approved by City Council in a manner not previously approved (BMC 2.99.030(c)) which is only through exigent circumstances.
- BPD is bringing forward a policy which clearly identifies permissible uses, and guidelines. Attached is a Use policy, a Surveillance Use policy, and an Acquisition Report-although no physical acquisition is currently sought.



# Unmanned Aerial Systems

- Summarily BPD's past uses of allied agencies drones to provide critical information during high risk incidents (generally warrants involving violent crimes committed with a weapon) and in the apprehension of suspected or known violent and armed offenders.
- Drones have been used to conduct a preliminary search of a house for armed individuals in response to a signed search warrant.
- Aid BPD's Special Response Team in the service of high risk warrants involving violence.
- Drones have been used in response to persons involved in shootings that have fled from officers.
- A commonality in the past uses is that drones further the Department's philosophy on de-escalation by slowing down a potentially volatile situation through time and distance. Additionally, it aides officers in the ability to minimize uses of force and reduces the likeliness of a violent confrontation which is explicitly inline with the tenets of our Use of Force Policy.



# Unmanned Aerial Systems

## **POLICE ACCOUNTABILITY BOARD'S CONCERNS**

- Concern that BPD is using this as an opportunity to acquire drones.
- Concerned our policy isn't restrictive enough.
- Concerned that there wasn't sufficient opportunity for public input.
- Concerned there isn't sufficient public oversight.
- Concerned there wasn't technical specifications.
- Concerned that there is a definition of exigent circumstances.
- Concerned over legal and liability issues.



# Unmanned Aerial Systems

- The Department is asking that Public Safety Policy Committee provide a Positive Recommendation on the proposed policy uses. We firmly believe with clearly defined guidelines as outlined in BPD's proposed policies the Department can continue to provide exceptional public services.
- The Department can continue to enhance our ability to provide the best de-escalation response with the ultimate goal of keeping our community safe.
- The Department will continue to report the deployments annually in the annual surveillance report with an expectation that the City can constantly assess the technology with a thoughtful focus on public safety while balancing the interests in protecting the privacy and civil rights of its community members.

