



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING PACKET**

**Wednesday, July 12, 2023
6:30 P.M.**

Board Members:

JOHN MOORE III. (CHAIR)
KITTY CALAVITA

JULIE LEFTWICH

REGINA HARRIS (VICE-CHAIR)
LEAH WILSON

MEETING LOCATION

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, CA 94709

Item	Description	Page
-	Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions	1
2	July 12, 2023 Regular Meeting Agenda	3
4.a.	Special Meeting Minutes for June 16, 2023	9
4.b.	Regular Meeting Minutes for June 21, 2023	13
5	ODPA Presentation to PAB on Staff Attendance to “Body-Worn Cameras A Decade Later: What We Know” Conference Hosted by the Police Executive Research Forum (PERF)	19
7	2022 BPD Annual Military Equipment Report and Related Documents	24
8	List of Current PAB Subcommittees	44
10.b.	Examples of Minutes Produced by Other Agencies and City Departments	45
10.c.	ODPA Memorandum Titled “Recap of Community Input Session_Automated License Plate Readers (ALPR): A Discussion ALPRs in the City of Berkeley” and Related Documents	72
10.c.	BPD Memorandum Titled “Response to the PAB Objections and PSPC on Surveillance Ordinance item related to Fixed Automated License Plate Readers (ALPRs)” and Copies of the Revised Policies and Respective Acquisition Report.	153
-	Received communications addressed to the PAB	185

Health and Safety Protocols for In-Person
Meetings of Berkeley Boards and
Commissions

Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023

The policy below applies to in-person meetings of Berkeley Boards and Commissioners held in accordance with the Government Code (Brown Act) after the end of the State-declared emergency on February 28, 2023.

Issued By: City Manager's Office

Date: February 14, 2023

I. Vaccination Status

All attendees are encouraged to be fully up to date on their vaccinations, including any boosters for which they are eligible.

II. Health Status Precautions

For members of the public who are feeling sick, including but not limited to cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, it is recommended that they do not attend the meeting in-person as a public health precaution. In these cases, the public may submit comments in writing in lieu of attending in-person.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to wear a well-fitting mask (N95s, KN95s, KF94s are best), test for COVID-19 3-5 days from last exposure, and consider submitting comments in writing in lieu of attending in-person.

Close contact is defined as someone sharing the same indoor airspace, e.g., home, clinic waiting room, airplane, etc., for a cumulative total of 15 minutes or more over a 24-hour period within 2 days before symptoms of the infected person appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign-in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

Members of City Commissions are encouraged to take a rapid COVID-19 test on the day of the meeting.

Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023

III. Face Coverings/Mask

Face coverings or masks that cover both the nose and mouth are encouraged for all commissioners, staff, and attendees at an in-person City Commission meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of Commissions, city staff, and the public are encouraged to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium, although masking is encouraged even when speaking.

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. Capacity limits will be posted at the meeting location. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons that need to distance for personal health reasons.

Distancing will be implemented for the dais as space allows.

V. Protocols for Teleconference Participation by Commissioners

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for Commissioners participating remotely due to an approved ADA accommodation. For Commissioners participating remotely, the agenda must be posted at the remote location, the remote location must be accessible to the public, and the public must be able to participate and give public comment from the remote location.

- A Commissioner at a remote location will follow the same health and safety protocols as in-person meetings.
- A Commissioner at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

Hand sanitizing stations are available at the meeting locations. The bathrooms have soap and water for handwashing.

VII. Air Flow/Circulation/Sanitizing

Air filtration devices are used at all meeting locations. Window ventilation may be used if weather conditions allow.

July 12, 2023 Regular Meeting Agenda



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA

Wednesday, July 12, 2023 at 6:30 PM

Board Members:

JOHN MOORE III. (CHAIR)
KITTY CALAVITA

JULIE LEFTWICH

REGINA HARRIS (VICE-CHAIR)
LEAH WILSON

MEETING LOCATION

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, CA 94709

PUBLIC ADVISORY

The PAB has resumed in-person meetings and encourages community members to attend in person. Community members attending in person should observe the “Health and Safety Protocols for In-person Meetings of Berkeley Boards and Commissions” as outlined by the City of Berkeley.

***The PAB acknowledges that physical attendance may not be feasible for all community members. To this end, the Office of the Director of Police Accountability (ODPA) has been exploring the option of allowing for remote participation at the PAB meetings. Please note that the ODPA and PAB are in the early stages of implementing this hybrid meeting format so there is a possibility for technical glitches and errors. Your patience and understanding are greatly appreciated. ***

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82653396072>. 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 **826 5359 6072**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

LAND ACKNOWLEDGEMENT

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Chochen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

AGENDA

1. **CALL TO ORDER & ROLL CALL** (2 MINUTES)
2. **APPROVAL OF AGENDA** (2 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.)
4. **APPROVAL OF MINUTES** (5 MINUTES)
 - a. Regular Meeting Minutes for June 16, 2023
 - b. Special Meeting Minutes for June 21, 2023
5. **ODPA STAFF REPORT** (10 MINUTES)
Announcements, updates, and other items.
 - Staff report on their attendance at the 2023 PERF conference: "Body-Worn Cameras a Decade Later: What We Know"
6. **CHAIR AND BOARD MEMBERS' REPORTS** (10 MINUTES)
Announcements, updates, and 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 & 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. Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations (Chair: Calavita)
 - i. Status Updates
 - ii. Next Steps
- b. Body-Worn Camera Policy (Chair: Harris)
 - i. Activity Report
 - ii. Next Steps
- c. Conflict of Interest (Chair: Leftwich)
 - i. Activity Report
 - ii. Next Steps

* When used under the subcommittee reports section, "Chair" refers to the Chairperson of the respective subcommittee, not the PAB Chair. *

9. OLD BUSINESS (Discussion & Action) (30 MINUTES)

- a. Review of commendation nominations for sworn officers of the Berkeley Police Department. – (30 min)
Please refer to the Supplemental Agenda Material for the commendations provided to the PAB.

10. NEW BUSINESS (Discussion & Action) (30 MINUTES)

- a. Consideration of Cancellation or Rescheduling of July 25th Regular Meeting. – (5 min)
 - i. The proposal for this item is a result of a conflict with the City Council meeting which will cover topics of interest for the PAB.
 - ii. An alternative date can be July 19th.
- b. Discussion on the Format of Meeting Minutes and Possible Alternatives – (5 min)
- c. Discussion on Automated License Plate Readers (ALPRs) - (20 min)
 - i. Community input session debrief
 - ii. PAB position on ALPRs & Revised Policies

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 any matter within the Board's jurisdiction at this time.)

Proceed to the following page for the remaining agenda items.

CLOSED SESSION

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 act on the following matter(s):

12. CASE UPDATES (10 MINUTES)


END OF CLOSED SESSION

13. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)

14. ADJOURNMENT (1 MINUTE)

Communications Disclaimer

Communications to the Police Accountability Board, like all communications to Berkeley boards, commissions, or committees, are public records 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, 5th Floor, Berkeley, CA.

**Contact the Director of Police Accountability (Board Secretary)
at:**

1947 Center Street, 5th Floor, Berkeley, CA 94704
TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955
Website: www.cityofberkeley.info/dpa/ Email: dpa@cityofberkeley.info

Special Meeting Minutes for June 16, 2023



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES
(Draft)

Wednesday, June 16, 2023

Board Members:

JOHN MOORE III. (CHAIR)
KITTY CALAVITA

JULIE LEFTWICH

REGINA HARRIS (VICE-CHAIR)
LEAH WILSON

MEETING LOCATION

Multipurpose Room
1947 Center Street,
Berkeley, CA 94704

Meeting Minutes

1. CALL TO ORDER & ROLL CALL BY CHAIR MOORE AT 10:15 PM.

The Board pauses for a 10-minute break to relocate to another room, as there is a conflicting booking.

Present: Board Member John Moore (Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Absent: Board Member Regina Harris (Vice-Chair)
Board Member Leah Wilson
ODPA Staff: Hansel Aguilar, Director of Police Accountability
Jose Murillo, Policy Analyst
BPD Staff: Sgt. LeDoux
CAO Staff: None.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Calavita/Leftwich) Motion carried by unanimous consent.

3. PUBLIC COMMENT

2 Speakers are Physically Present.

- Speaker 1 expresses surprise at the current count of Board members and expresses the hope that the Board's efforts on the proposed policies are acknowledged and that their position is treated seriously by the City Council.
- Speaker 2 argues that the evidence supporting ALPR (Automatic License Plate Recognition) presented by the BPD is based on speculation. They believe that the technology's effectiveness is unproven and insufficient to justify its implementation. Additionally, they highlight the absence of a clear plan for how the technology will be utilized and put into practice.

4 Speakers are Virtually Present

- Speaker 3 asserts that the Board should assess whether the use of ALPR technology is appropriate in Berkeley. They argue that there is no evidence of the technology's effectiveness and that the vast amount of collected data is unjustifiable. They request that the PAB recommend that the Council reject the proposed policies.
- Speaker 4 expresses gratitude to the Board for their service but notes difficulties in hearing Chair Moore during the Zoom meeting. They agree with the previous speakers and find the review process for the ALPR policies to be rushed. They urge the Board to recommend to the Council that they slow down and gather more input from residents before implementing the policies.
- Speaker 5 extends appreciation to the Board members and voices agreement with the preceding speakers. They express concerns about the ALPR program, mentioning that they used to support the technology but have become less supportive as they gained more knowledge about it. They highlight that their home county is currently facing a lawsuit related to the misuse of the same technology.
- Speaker 6, the Director of Research for Oakland Privacy, emphasizes their ten-year-long research on the topic. They highlight the problematic nature of the proposed cameras and the vendor, particularly noting the unnecessary capture of images due to motion sensors. They argue that the cameras go beyond their intended purpose and constitute a form of mass surveillance. They claim that the data collected, which has a connection to crime, amounts to less than 2%. Asks the Board to recommend that the ALPR program does not go forward.

4. POLICY REVIEW OF THE BERKELEY POLICE DEPARTMENT'S PROPOSED POLICIES: POLICY 422 "FIXED AUTOMATED LICENSE PLATE READERS (ALPRs)" AND POLICY 1305 "SURVEILLANCE USE POLICY - FIXED ALPRs"

The Board deliberates on their apprehensions regarding the proposed policies, which encompass various aspects. These concerns include the absence of evidence supporting the efficacy of ALPR, the financial implications associated with implementing such a system, and the inadequate drafting of the policies, resulting in unclear guidelines.

Sgt. LeDoux addresses inquiries from Board members concerning the policies, providing clarifications and responses.

Motion to instruct the Director of Police Accountability to prepare a letter encompassing the Board's concerns about the proposed ALPR policies and to transmit it to the Public Safety Policy Committee, the Berkeley Police Department, and the City Council.

Moved/Second (Calavita/Leftwich) Motion carried by unanimous consent.

5. PUBLIC COMMENT

3 Speakers are Physically Present.

- Speaker 1 expresses concern about the messaging surrounding ALPR cameras. They worry that the phrase "what's the hurry" could be interpreted as the Board not caring about the issue. They urge the Board to explore alternative approaches to address crime concerns and potentially propose alternative solutions.
- Speaker 2 seeks further information regarding the cost of ALPR systems, both in terms of acquisition and maintenance. They emphasize the importance of understanding how much this system will cost Berkeley residents and inquire about the projected lifespan and effectiveness of the cameras.
- Speaker 3 questions why it is challenging to obtain evidence, considering that neighboring jurisdictions have already implemented the system. They point out that one would expect a substantial amount of data to justify acquiring ALPR cameras. They stress the importance of the Board being able to thoroughly review these policies and advocate for more time for a detailed examination.

3 Speakers are Virtually Present.

- Speaker 4 acknowledges a comment made during the first public comment session, which highlighted the lack of statistical data. They assert that the Berkeley Police Department (BPD) should make efforts to gather more data and utilize their data analysts and resources to make evidence-based decisions, rather than relying solely on anecdotes.
- Speaker 5 raises concerns about the cost of ALPR cameras. They present research indicating that the actual cost of implementing ALPR would be significantly higher than what has been presented. They provide an example of the potential use of geo-warrants that allow the police to access information on every vehicle near a particular location within a specific timeframe, even if they are not specifically of interest.
- Speaker 6 expresses skepticism towards the belief that technology always functions perfectly. They emphasize the need for caution in the city's implementation of such a system. They highlight the presence of other pressing infrastructure needs in the city that should take priority. They believe that the

purchase of ALPR cameras is not justified and should not be prioritized over other important items.

6. ADJOURNMENT

Motion to adjourn

Moved/Second (Calavita/Leftwich) Motion carried by unanimous consent.

The meeting was adjourned at 11:50 am.

Regular Meeting Minutes for June 21, 2023



POLICE ACCOUNTABILITY BOARD

REGULAR MEETING MINUTES

(Draft)

Wednesday, June 21, 2023

Board Members:

JOHN MOORE III. (CHAIR)
KITTY CALAVITA

JULIE LEFTWICH

REGINA HARRIS (VICE-CHAIR)
LEAH WILSON

MEETING LOCATION

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, CA 94709

Meeting Minutes

1. CALL TO ORDER & ROLL CALL AT 6:30 PM

Present: Board Member John Moore (Chair)

Board Member Regina Harris (Vice-Chair)

Board Member Kitty Calavita

Board Member Juliet Leftwich

Board Member Leah Wilson

Absent: None

ODPA Staff: Hansel Aguilar, Director of Police Accountability

Jose Murillo, Policy Analyst

Jayson Wechter, Investigator

BPD Staff: Captain Durbin

Lieutenant Reece

CAO Staff: James Chang

2. APPROVAL OF AGENDA

Motion to table item 11.d. to the next PAB Regular Meeting. Moved/
Second (Leftwich/Harris) Motion carried by unanimous consent. **Motion
to approve the agenda.**

Moved/Second (Harris/Calavita) Motion carried by unanimous consent.

3. PUBLIC COMMENT

0 Speakers.

CLOSED SESSION	
4. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6 (20 MINUTES)	
Negotiator: Tim Davis, Burke, Williams & Sorensen, LLP	
Employee Organization: Berkeley Police Association	
END OF CLOSED SESSION	

5. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

No reportable action was taken.

6. APPROVAL OF MINUTES

Motion to approve the PAB’s Regular Meeting Minutes for June 7, 2023.

Moved/Second. (Leftwich/Calavita) Motion carried by unanimous consent

7. ODPa STAFF REPORT

Director Aguilar provided a report on the following items:

- Staff attended a webinar organized by the California Civilian Oversight Alliance (CCOA) on June 13th. The webinar focused on training resources and included information about the internship program run by the Department of Police Accountability in San Francisco, CA.
- Staff and Board Members were present at the Juneteenth Festival on June 18th. The event had a strong turnout and there was significant interest in the PAB & ODPa booth.
- A status update on the surveillance technology policies was reviewed by the PAB and presented to the City Council and Public Safety Policy Committee. The ALPR policies which were last reviewed by the Board at their June 16 Special Meeting will be forwarded to the Council with a qualified positive recommendation. The BPD and PAB were tasked to work together in addressing the remaining issues in the policies.
- Director Aguilar provides staff updates. Informs the Board that interviews for the Associate Management Analyst vacancies have taken place. He further notes that a staff member will be retiring soon.
- A report on the status of the ODPa’s relocation. The ODPa has identified a location that satisfies the needs of the office.

8. CHAIR AND BOARD MEMBERS' REPORTS

Chair Moore reports on the following:

- Chair Moore takes a moment to acknowledge Former Berkeley Mayor Eugene "Gus" Newport who passed on June 17th. He takes the moment to acknowledge all of the late mayor's work for the City of Berkeley and its community.
- Chair Moore takes a moment to thank the Board members and staff who supported the Juneteenth outreach event.
- Chair Moore takes a moment to thank Board member Calavita and ODPa staff who made themselves available to present to the Public Safety Policy Committee on June 20th.
- Chair Moore requests that the ODPa reaches out to the Council members who have not appointed a Board member yet to obtain a status update on their appointment.

Board member Wilson reported:

- Stated that she appreciates the quick work on behalf of the Board and staff to arrange a special meeting and present to the Public Safety Policy Committee on ALPRs.

9. CHIEF OF POLICE REPORT

Captain Durbin, on behalf of Chief Louis, reports the following:

- One new academy recruit has joined the Department and two more are set to graduate from the academy. The number of officers is still at 149 sworn personnel.
- A dispatcher open house was held earlier in the month. There was a turnout of 20 potential dispatchers who may potentially help fill the 13 vacant positions. The BPD is currently authorized for 36 dispatchers with only 23 positions filled.
- Captain Durbin provides updates on several noteworthy cases that have emerged since the previous PAB meeting. Additionally, he shares information on current crime trends.
- On Friday, June 16th, the BPD held a memorial for the late Sgt. Jimmie Hugh Rutledge (End of Watch: June 16, 1973) who was the last BPD officer killed in the line of duty.
- The Traffic Bureau will be hosting classes on June 21 and 22 designed for Seniors called "Drive Safer, Drive Longer." They will be held at the North and South Berkeley Senior Centers.
- The Northern California Special Olympics torch run passed through the City of Berkeley on June 21. About 10 BPD officers participated in the run.

Questions & Answers:

- Q: Board Member Leftwich inquires about the BPD potentially hosting training on the "continuum of contacts" for the Board and/or recommending training that the BPD believes would be beneficial for the Board to receive.
- A: The BPD will look into the matter and provide any helpful information.

- Q: Vice-Chair Harris asks if the Department has noticed any additional patterns as it relates to the increase in car thefts.
- A: The BPD's Transparency Hub may be able to provide additional information.

10. SUBCOMMITTEE REPORTS

a. Policies and Practices Relating to the Downtown Task Force and Bke Unit Allegations

- On June 14th, the subcommittee convened a meeting where they delved into multiple policies and explored potential modifications. The subcommittee is actively engaged in preparing an update for the Board, along with a series of proposals that will be presented in the coming weeks.

b. Body-Worn Camera Policy

- There were no significant updates to report.

c. Conflict of Interest

- There were no significant updates to report.

11. NEW BUSINESS

a. Adoption of Resolution recognizing Maritza Martinez for her 24 years of service to the City of Berkeley, during which she dedicated 22 years to supporting civilian oversight in Berkeley.

- Policy Analyst Murillo reads a statement prepared by Maritza Martinez highlighting her accomplishments throughout her career and thanking the various individuals she worked with throughout her career.

Motion to adopt the resolution recognizing Maritza Martinez for her 24 years of service to the City of Berkeley, during which she dedicated 22 years to supporting civilian oversight in Berkeley.

Moved/Second (Leftwich/Wilson) Approved by Unanimous Consent.

b. Adoption of a resolution adopting NACOLE's Code of Ethics.

Motion to adopt the resolution adopting NACOLE's Code of Ethics.

Moved/Second (Wilson/Calavita) Motion Carried.

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson

Noes: None. Abstain: None. Absent: None.

c. Consideration of the proposed procedures for the continuous review of commendations.

- No formal action was taken by the PAB as it relates to the proposed procedures for the continuous review of commendations.

- The Board requested that staff look into the existing award ceremonies by the BPD and BPA.

d. Review of commendation nominations for sworn officers of the Berkeley Police Department.

- The item was tabled for a future meeting.

e. Presentation of Policy Complaint No. 2023-PR-003

- The person filing the complaint is given a five-minute time slot to address the Board and present their concerns to both the Board and the members of the BPD present. The concerns raised pertain to the professional standards in dispatch, access to dispatch records, and the BPD's policy for property crimes in progress. The Board engages in a question-and-answer session with the complainant to gather more information about their concerns. For specific details, refer to the meeting recording between 1:09:00 and 1:20:00.

Motion to adopt and accept Policy Complaint No. 2023-PR-003 and establish a subcommittee to review the policy concerns.

Moved/Second (Calavita/Wilson) Motion Carried.

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson

Noes: None. Abstain: None. Absent: None.

- Vice-Chair Harris and Board Member Wilson are appointed to the newly established subcommittee.

f. PAB Charter, Rules, and Policies: Overview of PAB Roles and Responsibilities and Discussion of Needed Clarifications or Gaps.

- ODPa staff provides an overview presentation of the PAB's roles and responsibilities. A discussion is had on areas of needed clarifications or gaps as it relates to policy reviews.
- The Board requested that the ODPa draft a proposal for more detailed policy review guidelines for the Board to consider.

12. PUBLIC COMMENT

1 Speaker.

- Speaker 1 (Former ODPa Director Lee): Welcomes Investigator Jayson Wechtor to the ODPa and Board Member Wilson to the PAB. She thanks the PAB and ODPa for their hard work. Specifically, she thanks the ODPa staff for their hard work in implementing hybrid meetings.

CLOSED SESSION

13. PRESENTATION OF FINDINGS AND RECOMMENDATIONS REPORT CASE NO. 32

Motion to Accept the ODPAs Findings and Recommendations Report for Case No. 32 with modifications.

Moved/Second (Wilson/Leftwich) Motion Carried.

Ayes: Calavita, Harris, Leftwich, and Wilson

Noes: Moore. Abstain: None. Absent: None.

END OF CLOSED SESSION

14. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

- Chair Moore reports that Director Aguilar presented a Findings and Recommendations Report to the PAB and that they voted to accept the report with modifications.

15. ADJOURNMENT


Motion to adjourn

Moved/Second (Harris/Wilson) Motion carried by unanimous consent.

The meeting was adjourned at 9:57 pm.

ODPA Presentation to PAB on Staff
Attendance to “Body-Worn Cameras A
Decade Later: What We Know” Conference
Hosted by the Police Executive Research
Forum (PERF)

Public



'Body-Worn Cameras A Decade Later: What We Know' Conference Hosted by the Police Executive Research Forum (PERF)

Staff Report from the Office of the Director of Police Accountability
PRESENTED TO THE POLICE ACCOUNTABILITY BOARD
July 12, 2023

Public

Introduction to the Police Executive Research Forum (PERF)

- ▶ Police Executive Research Forum (PERF) is an independent research organization.
- ▶ Founded in 1976, PERF addresses critical issues in policing.
- ▶ Identified best practices in areas like reducing police use of force and developing community policing.
- ▶ Emphasizes the use of technology to enhance police services.
- ▶ Focuses on evaluating crime reduction strategies.
- ▶ Aims to advance professionalism in policing and enhance service delivery.
- ▶ Achieves its goals through national leadership, public debate, research, and policy development.

Public

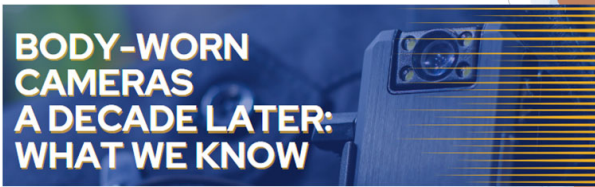
"Conference Overview: Reflecting on Ten Years of Body-Worn Cameras and Exploring Lessons Learned for the Future"

- ▶ COPS Office asked PERF to develop guidelines on police use of body-worn cameras a decade ago.
- ▶ Body-worn cameras were a new technology at the time, creating curiosity and anxiety.
- ▶ Over the past ten years, more police departments and sheriffs' offices adopted body-worn camera programs.
- ▶ The conference on June 29 in Washington, DC aims to explore lessons learned during this period.

Public

"Conference Overview: Reflecting on Ten Years of Body-Worn Cameras and Exploring Lessons Learned for the Future"

- ▶ Jointly attended by ODP&A and BPD
 - ▶ BPD: Chief Louis & Cpt. Okies
 - ▶ ODP&A: DPA Aguilar & P.A. Murillo
- ▶ Diverse group of :
 - ▶ law enforcement practitioners,
 - ▶ civilian oversight practitioners,
 - ▶ academics, and
 - ▶ other stakeholders



Public

"Conference Overview: Reflecting on Ten Years of Body-Worn Cameras and Exploring Lessons Learned for the Future"

Key issues addressed included:

- ▶ When should officers be required to turn cameras on and off?
- ▶ Which members of an agency should be required to wear cameras? Patrol? Specialized units?
- ▶ Should officers be allowed to review footage before writing reports?
- ▶ When should supervisors review camera footage?
- ▶ When should body-worn camera footage be shared with the public?
- ▶ How long should footage be stored?

Public

"Conference Overview: Reflecting on Ten Years of Body-Worn Cameras and Exploring Lessons Learned for the Future" (cont.)

Key issues addressed included:

- ▶ How expensive are body-worn camera programs? Have agencies found ways to save money or operate these programs more efficiently?
- ▶ Have body-worn camera programs led to any changes in the number of lawsuits settled by municipalities or the value of those settlements?
- ▶ Can camera footage be part of an agency's early-warning system?
- ▶ How have body-worn cameras benefitted your agency?
- ▶ How are agencies using cameras to support training?
- ▶ What unexpected challenges have you faced when equipping your officers with body-worn cameras?

Public

"Conference Overview: Reflecting on Ten Years of Body-Worn Cameras and Exploring Lessons Learned for the Future" (cont.)

Summary Points

- ▶ BWCS are far more common now than they were a decade ago.
- ▶ Officers are more supportive of BWCs now.
- ▶ Research has shown citizen complaints decrease with the use of BWCs.
- ▶ Some studies found officers with BWCs use less force than those without, but other studies found no difference.
- ▶ Activation policies are an important factor in BWC effectiveness.

Public

"Conference Overview: Reflecting on Ten Years of Body-Worn Cameras and Exploring Lessons Learned for the Future" (cont.)

Summary Points

- ▶ Agencies should clearly communicate how and why footage is used for performance management purposes.
- ▶ Feedback loops are critical for changing behavior- provide daily feedback on policy compliance and an opportunity to self-correct.
- ▶ Procedural justice, fairness, and consistency are critical for policy acceptance.
- ▶ Most agencies are allowing officers to view footage before giving a statement. However, some agencies conduct an initial perceptual interview, then view the footage and conduct a supplemental interview.

Public

CONTACT INFORMATION

If you have any questions regarding this event, please contact PERF Senior Research Assistant Caleb Regen at cregen@policeforum.org.

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(202) 466-7820

https://www.policeforum.org/index.php?option=com_jevents&task=icalevent.detail&evid=75

2022 BPD Annual Military Equipment Report and Related Documents

Berkeley Police Department 2022 Annual Military Equipment Report



CONTENTS

Our Mission, Vision, and Values.....	Page 1
Background.....	Page 2
Summary of Military Equipment Use.....	Page 4
Military Equipment Use.....	Page 4
Fiscal Cost.....	Page 9
Conclusion.....	Page 15



Our Mission, Vision and Values

Our **Mission** is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.

The Berkeley Police Department **Vision** is:

We will be a team of leaders at every level. We will foster strong relationships with our community, inspiring trust through our service, building on our historic tradition of progressive policing, and dedicated to the safety of all. As members of this community, we will provide proactive law enforcement and problem solving, holding these as our core **Values**:

- **Integrity:** We are ethical, fair, and trustworthy in all we do.
- **Safety:** We strive to keep our community and each other safe.
- **Respect:** We will fulfill our duties with dignity, compassion, and empathy.
- **Diversity:** We value the strength of a diverse workplace and community. We endeavor to reflect the community we service, promoting inclusion and fairness.
- **Professionalism:** We are committed to organizational excellence through progressive training, positive attitude and superior performance.



BACKGROUND

On September 30, 2021, Assembly Bill 481 was approved by California Governor Gavin Newsom, requiring law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to funding, acquisition, or use of military equipment as defined in AB 481. This bill required the same approval process for the continued use of military equipment that law enforcement agencies already possessed. In accordance with the assembly bill, the Berkeley Police Department authored Policy 709, Military Equipment policy, which was approved by the City Council on July 26, 2022.

Furthermore, Assembly Bill 481 requires law enforcement agencies to submit to the governing body an annual report for each type of military equipment. The Annual Report must contain the following information:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.



Inventory of Military Equipment

The Berkeley Police Department does not possess any tactical equipment that was obtained from the military nor does the Berkeley Police Department receive surplus military equipment from any organization.

Below is a list and inventory of military equipment (as defined in Assembly Bill 481) that is possessed by the Berkeley Police Department. The list includes consumable military equipment, namely .223 and .308 rounds, 40 MM and FN 303 launcher rounds, and diversionary devices. The inventory of consumable military equipment varies throughout the year due to training. While the Berkeley Police Department strives to be accurate in its reporting, the inventory of consumable equipment in this report are captured in a moment in time and are approximate.

- M4/Patrol Rifle (96)
 - Associated .223 duty and training rounds (123,000)
- Remington 700 Precision Rifle (6)
 - Associated .308 rounds (2,600)
- Barret Model 99 Precision Rifle (1)
 - Associated .50 rounds (520)
- Penn Arms single 40MM launcher (20)
- Milkor LTL 40 MM multi-launcher (2)
 - Associated 40mm rounds (724)
- FN 303 Launcher (8)
 - Associated FN rounds (5,445)
 - Associated FN Pava rounds (150)
- Oleoresin capsicum (OC spray) (190)
- Chlorobenzylidene Malononitrile and Oleoresin capsicum (CS Canister) (204)
- Light/sound Diversionary Device (50)
- Long Range Acoustic Device (LRAD) (2)
- Mobile Command Vehicle (1)
- ReconRobotics Recon Scout XT Robots (2)
- Andros Remotec HD-1 Hazardous Duty Robot (1)



An internal equipment audit was conducted to gather and confirm data for this report. Based on this audit, it was determined that there were no identified violations of equipment use, or any complaints concerning the above listed equipment.

Summary of Military Equipment Usages

The variety of equipment provides the Berkeley Police Department with options that assist in critical incidents and bring dangerous situations to a safe resolution. While the Berkeley Police Department possess the above listed military equipment, officers de-escalated almost all the situations that might have otherwise warranted the use of it. The use of military equipment is governed by Berkeley Police Department Policies and local, state, and federal laws. The use of the military equipment is restricted to only officers who have been trained in the use of the specific equipment.

The Berkeley Police Department responded to 62,245 calls for service in 2022. Of the 62,245 calls the Recon Scout XT Robot was used twice, the LRAD was used three times, and the mobile command vehicle was used only during UC Berkeley football games as a command post.

Additionally, 5,183 stops were conducted by the Berkeley Police Department in 2022. Three of the 5,183 stops resulted in the use of the Penn Arms 40MM launcher, also known as “less lethal.” These statistics illustrate the extremely rare instances (0.00057%) of the time less lethal munitions are used in relation to overall contacts.

Military Equipment Usages

Penn Arms 40MM Launcher

The purpose of the Penn Arms 40MM is to preserve life, minimize the use of force and allow time for de-escalation. Less lethal projectiles allow the user to maintain a safe distance from a subject who is armed and/or demonstrates the intent to be violent. The ability to maintain a safe distance – while still providing a level of control over the subject – allows officers to employ de-escalation techniques, request additional resources and develop a plan to safely resolve the situation with the least amount of risk. The following are summaries of the three incidents where the Penn Arms 40MM launcher was used:



- 1) A caller reported that his housemate was high on methamphetamine and was destroying the house. The subject was screaming and throwing things. Officers responded and utilized de-escalation tactics. They attempted to negotiate with the subject and calm him, but he displayed the inability to calm down and yelled at the officers to shoot him. The subject yelled "there's a pedo inside the house and I'm going to kill him. I am ready to die." He launched several items at the officers including a wrench and screwdriver. Had the objects hit the officers it could have caused a significant injury. An officer launched a 40mm round at the subject. He immediately complied and was placed on a psychiatric evaluation hold after medical attention was provided.
- 2) At 4:20AM, a caller reported seeing a suspect with bolt cutters cutting a hole in the chain-link fence to a business. The caller was watching this unfold through the security cameras from a remote location. Officers established a perimeter for this burglary in-progress incident. They saw the suspect and gave commands that were ignored. The suspect ran from officers. Officers lost sight of the suspect, but located him hiding in the heavily foliated area of the property. Officers gave more commands and provided ample time for the suspect to comply, but he refused. The suspect's hands were hidden and it was unknown at the time if he was armed. Officers warned the suspect that the 40mm launcher would be utilized, but the suspect continued to ignore the officers. Two officers launched a single 40mm round each at the suspect. One projectile missed and the other hit the suspect's thigh. The suspect immediately surrendered and complied. Medical aid was provided. Officers located two screw drivers and a window smashing tool on the suspect. They also located a single bullet where the suspect was hiding. A records check showed the suspect was on bail for multiple felonies. He was arrested for burglary and possession of fentanyl.
- 3) Investigators were serving an arrest/search warrant for child abuse. The suspect, mother of the reported child abuse case, charged at a detective with a large kitchen knife over her head. She plunged the knife downwards into the detective's chest. The knife did not puncture his Kevlar vest, but broke his body worn camera. 40mm launcher was utilized and hit her, but she held onto the knife. The detective and suspect fell onto the floor where they struggled for the knife. She cut a supervisor's finger before the knife was wrestled out of her hand. She was placed on a psychiatric evaluation hold and subsequently charged with attempted murder of the police detective.



Mobile Command Vehicle (MCV)

This vehicle is used as a mobile command post for any large-scale events or as a communications center in the event the communications center in the Public Safety Building is inoperable. Some examples of large-scale events include Solano Stroll, Juneteenth, 4th of July, Cal Berkeley football games, critical incidents or natural disasters. In 2022, the MCV was utilized as a command post during the Cal Berkeley football games that took place in Berkeley. Below is list of the dates the Cal Berkeley football team played in Berkeley and when the MCV was used:

September 3, 2022
September 10, 2022
September 24, 2022
October 22, 2022
October 29, 2022
November 19, 2022
November 25, 2022

ReconRobotics Recon Scout XT Robots (Throw Bot)

The Recon Scout XT robot is intended to safely provide police officers valuable information during high-risk, rapidly evolving situations via real-time audio and video footage. It can be operated a distance away, creating space between the officer and potential danger, thus decreasing the likelihood of injury to those involved in the event, or even a violent encounter between police officers and a dangerous subject. This asset furthers our commitment to the sanctity of life by offering time and distance in critical incidents. The following are the two high risk situations in 2022 the throw bot was utilized to safely clear rooms prior to police entry:

- 1) A hotel employee called the police to report a vehicle with extensive damage parked in the hotel lot. Officers arrived and discovered that the car was stolen. Investigations led officers to a hotel room where one of the two suspects slammed the door shut on officers. Further investigation showed one suspect has prior arrest history for firearms and the other has several felony arrest warrants for her arrest. A perimeter was established. The suspect was



contacted via telephone and agreed to exit the hotel room. She was arrested on the arrest warrants and possession of a stolen vehicle. Prior to entry into the hotel room the XT Robot was utilized to partially clear the room. The second suspect was not located in the room.

- 2) An armed robbery occurred where one suspect pointed a gun at the victim's face while a second suspect beat up the victim and stole his property. Investigations lead to several search warrants including a high-risk warrant served by the Special Response Team. Prior to entry into the residence the XT Robot was utilized to partially clear the residence. Two AR-15 pistols and a handgun were located during the warrant service. This case is an on-going investigation.

Long Range Acoustic Device (LRAD)

The LRADs are designed for clear long-range communication. The LRAD's ability to communicate over a long distance is far superior to any megaphone or Public Address (PA) system mounted to a police vehicle. Below are the three times the LRAD was utilized in 2022.

- 1) A volcanic eruption in the southwest Pacific Ocean produced a tsunami that affected the entire Pacific Ocean. A tsunami warning was issued. Police officers responded code-3 (emergency response) to evacuate the marina. The LRAD was utilized to help with the evacuation.

- 2) The Special Response Team served a search warrant in connection to multiple armed robbery cases from Berkeley and from another jurisdiction. The LRAD was used to communicate with occupants in the residence and safely call them out of the residence. Evidence was located during the search warrant service.

- 3) An armed robbery occurred where one suspect pointed a gun at the victim's face while a second suspect beat up the victim and stole his property. Investigations lead to several search warrants including a high-risk warrant served by the Special Response Team. The LRAD was used to communicate with occupants in the residence. Two AR-15 pistols and a handgun were located during the warrant service. This case is an on-going investigation.



Drone/Unmanned Aerial System (UAS)

The Berkeley Police Department does not possess any UAS, also commonly known as a drone, but requested for mutual assistance from the Alameda County Sheriff's Office for a drone in the below two incidents. Drones are used in limited situations to enhance the Department's mission of protecting lives. The use of a drone below was governed by Berkeley Municipal Code 2.99.020. Both uses of drones were approved by the City Manager through the proper chain of command under the exigent circumstances exception. The Department is currently seeking Council approval to implement drone use policies for the City.

It should be noted that reporting on the use of a drone in a mutual assistance capacity in Berkeley is the responsibility of the agency that provided the assistance. The Berkeley Police Department is not required to report on the mutual assistance drone usages to prevent double reporting, but to ensure transparency, below are details of the two incidents where a drone was utilized. The two incidents were also reported in the Berkeley Police Department's Annual Surveillance Technology Report in November of 2022.

- 1) BPD officers responded to an armed robbery with gunfire at 2625 San Pablo Ave. The offenders fled into the 1100 block of Carleton Street. Officers secured the perimeter and requested mutual assistance from the Alameda County Sheriff's Office Drone Team. With the assistance of the Drone Team, officers were able to safely detain and arrest four suspects who were hiding in the block, and recovered four guns (2 ghost guns including a short-barreled rifle, and 2 Glock semi-automatic firearms- all loaded).
- 2) BPD officers attempted to detain a person who was wanted in connection with a murder in another jurisdiction. The offender fled on foot from BPD officers. Officers secured a perimeter and requested mutual assistance including the request for a drone. Alameda County Sheriff's Office responded and assisted BPD. With the assistance of the drone officers were able to locate the suspect in the 1100 block of Chaucer Street. No injuries were sustained by the officers, and the offender had minor injuries as a result of jumping over fences while fleeing from BPD officers, however no injuries were sustained from the detention and arrest.



Fiscal Cost

Funding for all training and ongoing cost in military equipment are sourced from the Berkeley Police Department's existing budget. The only military equipment that was purchased in 2022 was consumable equipment, .223 ammunition and diversionary devices, that was used in training. The projected military equipment acquisitions in 2023 will be for .223 ammunition, .50 caliber ammunition, and diversionary devices.

The Berkeley Police Department conducts in-house training on all specialized equipment that the department possesses. This ensures officers are fully trained to utilize the tools in the department's possession to safeguard our community. The cost of in-house training is staff-time. Some of the training on specialized equipment must be conducted externally. The only fiscal cost on external training related to military equipment in 2022 was the cost from 9 police officers attending M4/patrol rifle training (\$3,370) and one armorer attending armorer school (\$46). Additionally, three police recruits attended the police academy where they received Patrol Rifle training. The cost of the police academy for each police recruit was \$1,576 (\$4,728 total).

M4/Patrol Rifle

Rifle prices, like other firearms, will range depending on current market demand and availability. While M4 rifles purchased several years ago cost between \$1,000 and \$1,200 each, current rifles cost between \$1,400 and \$1,600. It should be expected that these prices will fluctuate and likely increase over time.

Ammunition costs fluctuate with the costs of components (brass, primers, gunpowder, and bullets) and supply/demand. Current costs for .223 Remington range from \$0.50 to \$0.75 a round for training ammunition (55 grain) and \$1.25 to \$1.50 a round for duty ammunition (62 grain). 404 cases of .223 ammunition were acquired in 2022 with a fiscal impact of \$49,279.40. The projected acquisition of .223 ammunition in 2023 is 10,000 rounds for training.

Every officer that is authorized to carry a rifle on duty must attend a minimum 16-hour CA POST approved rifle instruction course before being authorized to carry the rifle on duty. This course may be administered by Berkeley Police Firearm Instructors or by other POST approved agencies. Tuition for the CA POST approved class is dependent on the hosting agency. If conducted in-house the cost only includes the officer's hourly



wage, range fee, and ammunition costs (all vary). Outside agencies charge between \$25 to \$500 depending on the range location and duration (some classes are 32-hours while POST only requires 16-hours.) Additionally, all officers issued a rifle receive specific 8-hour rifle training every two years by POST certified Berkeley Police Department Firearm Instructors.

Typical round count for such classes range between 800 rounds and 1200 rounds per student. Additionally, all officers issued a rifle receive specific 8-hour rifle training every two years by a BPD firearm instructor which constitutes an additional 500 or so rounds per officer.

Maintenance costs vary depending on use over time. Traditionally, various springs and pins need to be replaced every five years and may cost between \$3 and \$30 per rifle. Other parts such as the barrel and bolt need to be replaced around ten years and range between \$150 and \$300 per rifle.

Penn Arms 40MM Single Launcher

Penn Arms 40MM single launchers purchased by the department cost \$815.00 each. Ongoing cost for Penn Arms single launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Department Firearms Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house thus the cost only includes staff time, range fees, and projectile costs, which all vary.

Maintenance costs vary depending on use. Generally, various springs and pins need to be replaced every 5 years which can cost \$3 to \$30.

Milkor LTL Multi-Launcher

Milkor LTL Multi-Launchers purchased by the department cost \$3,950.00 each. The ongoing cost for the Milkor LTL launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.



Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Firearm Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house thus the cost only includes the officer's hourly wage, range fees, and projectile costs which all vary.

Maintenance costs vary depending on use. Generally, various springs and pins need to be replaced every 5 years which can cost \$3 to \$30.

FN 303 and FN Pava Impact Projectile

FN 303s purchased by the department cost \$800.00 each. Ongoing cost associated with the FN303 launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Firearm Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house thus the cost only includes the officer's hourly wage, range fees, and projectile costs which all vary.

Maintenance costs vary depending on use. Generally, O-rings need to be replaced every 3,000 rounds and cost \$30 per kit.

OC (Oleoresin Capsicum) Spray

The MK-3 OC spray cost approximately \$19 per unit and the MK-9 OC spray costs approximately \$60 per unit. The manufacturer is Defense Technology and the Berkeley Police Department purchase each unit from Galls Police Supply or LC Action Police Supply. Purchases for these tools are made when inventory gets low which is typically determined by the number of OC spray that has expired and how many new officers are sworn in.

Training is conducted in the police academy and in-house by a Police Officer Standard Training (POST) certified Berkeley Police Chemical agent training officer. The cost of training is staff time.



Chlorobenzylidene Malononitrile and Oleoresin Capsicum (“tear gas”)

The cost for CS canisters ranges from \$20.00 to \$39.00 per unit. The cost for OC canisters ranges from \$36.00 to \$44.00 per unit. Training is conducted by a Police Officer Standard Training (POST) certified Berkeley Police chemical agent training officer. The cost of training is staff time.

Remington 700 Rifle

The initial cost to purchase this rifle with its associated components is approximately \$10,000 dollars each. Their average life span is 10-years at which time it will likely need to be replaced. Ongoing cost for all firearms should be based on the ammunition used in training and on duty and maintenance. This will fluctuate based on training.

The cost associated with training is the staff time, range fees, and cost of spent ammunition. Special Response Team (SRT) members train once a month and, on average, each member shoots approximately 50-rounds. Currently, there are only 4 members shooting at each training day. This equates to approximately 2,400 rounds of ammunition being fired per year. This does not include special training days or attendance to training schools/classes. A single box of 20-rounds costs approximately \$20 dollars or \$1 dollar per round. Authorized and trained Berkeley Police armorers service and provide regular maintenance of the rifles. The cost of maintenance is staff time.

ReconRobotics Recon Scout XT

The initial cost for the Recon Scout XT robot was about \$12,500 per unit in 2010. There are no ongoing costs associated with the use of the Recon Scout XT robot. Being that it is battery operated, there is a nominal cost associated with charging the Recon Scout XT robot’s batteries, and the batteries of the OCU (controller).

The Recon Scout XT robot is fairly simple to operate, thus there is no cost associated with training officers in its use. Generally, the Recon Scout XT robot is robust and does not need regular repair or service. The cost of training is staff time.

Andros Remotec HD-1 Hazardous Duty Robot

The Hazardous Duty Robot was purchased in 2008 for \$214,496. Being that it is battery operated, there is a nominal cost associated with charging the robot. Maintenance of the Hazardous Duty Robot is conducted by the Berkeley Police Bomb Technicians.



Berkeley Police Bomb Technicians are trained during regular bomb squad training sessions and maintain their skills through training scenarios. The cost of training and maintenance is limited to staff time.

Light/Sound Diversionary Device

Diversionary Devices cost approximately \$45 per unit. Purchases for these tools are made when inventory becomes low, based upon critical incident usage and Special Response Team trainings that incorporate live devices. \$1,416.62 was used in 2022 to acquire 24 diversionary devices that replaced ones that expired or were used during training.

Only trained and qualified personnel are permitted to deploy diversionary devices. These trained Berkeley Police officers are typically members of the Berkeley Police Department Special Response Team who receive monthly training which includes training in the deployment of diversionary devices. The cost of training is staff time. A projected military equipment acquisition in 2023 will likely include diversionary devices. The number of diversionary devices to be acquired in 2023 will depend on training and operational use. That number is unknown at this time.

Long Range Acoustic Device (LRADS)

The LRAD 450XL and the LRAD 100X were purchased in 2018. The total cost for both the LRADs, rechargeable battery packs and accessories was \$49,999. Training is conducted by Berkeley Police personnel who are trained in the use and procedures of the LRAD. The cost to train is staff time.

Mobile Command Vehicle (MCV)

The Mobile Command Vehicle was purchased in 2003 for \$230,800. The ongoing cost associated to the MCV is the cost of gasoline and maintenance of the vehicle. Both gasoline and maintenance are received at the City Corporation Yard.

Training is conducted in-house by the Berkeley Police personnel who are trained in the operation of the vehicle. The training cost is staff time.

The expected useful lifespan of the MCV was 15 years and was eligible for replacement in 2018. A replacement fund for the MCV currently amounts to \$383,183.66 with \$10 added into this fund a month. The vehicle is still in functioning, but will need to be replaced in the near future.



Barrett Model 99 Rifle

The retail cost of the Barrett Model 99 Rifle is approximately \$12,500. The Department of Justice provided the Barrett Modell 99 Rifle to the Berkeley Police Department in 2007. The ongoing cost related to this rifle is the cost of ammunition and training.

The ammunition has a retail cost of approximately \$6 dollars per bullet; \$60 for a box of 10 and \$600 for a case of 10 boxes, plus shipping and handling. The cost associated with training is the staff time, range fees, and cost of spent ammunition.



CONCLUSION

This Annual Military Equipment Report not only fulfills the obligations set forth in Assembly Bill 481 and Policy 709, it also reaffirms the commitment the Berkeley Police Department has to transparency with our community and elected officials. Continuing to build upon the trust we have with our community is the cornerstone of the Berkeley Police Department. The training and equipment outlined in this report allow for the Berkeley Police Department to achieve our mission in keeping our community safe.

The Berkeley Police Department will continue to foster strong relationships and safeguard our diverse community. We will continue to share information and be transparent with our community. Any questions, concerns or complaints regarding the equipment can be directed to the Professional Standards Bureau, Internal Affairs Bureau, or the Police Accountability Board.

Professional Standards Bureau:

(510) 981-5734

PLee@cityofberkeley.info

Internal Affairs:

(510) 981-5706

JJones@cityofberkeley.info

Police Accountability Board:

(510) 981-4950

DPA@cityofberkeley.info



Office of the City Manager

ACTION CALENDAR
July 25th, 2023

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jennifer Louis, Chief of Police
Subject: Assembly Bill 481, 2022 Annual Military Equipment Report

RECOMMENDATION

Adopt a Resolution approving the 2022 Annual Military Equipment Report.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts are limited to staff time for reporting and continuous training.

CURRENT SITUATION AND ITS EFFECTS

Assembly Bill 481 mandates an annual report on law enforcement use of specified military equipment be provided to the governing body of the agency.

BACKGROUND

On May 11th, 2021 the City of Berkeley adopted the Police Equipment and Community Safety Ordinance, Ordinance NO. 7,760-N.S. The Police Equipment and Community Safety Ordinance requires the Police Department submit to Council for approval an annual report on the usage of specified equipment. The 2022 annual report pursuant to this ordinance was approved by the Police Accountability Board on April 21, 2023 and the City Council approved the annual report on June 6, 2023.

On September 30, 2021, after the City of Berkeley adopted our City ordinance, Assembly Bill 481 was approved by California Governor Gavin Newsom, requiring law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to funding, acquisition, or use of military equipment as defined in Assembly Bill 481. Like the Police Equipment and Community Safety Ordinance, this bill required an approval process for the continued use of military equipment that law enforcement agencies already possessed. In accordance with the assembly bill, the Berkeley Police Department authored Policy 709, Military Equipment policy, which was approved by the City Council on July 26, 2022.

Also similar to Berkeley’s Police Equipment and Community Safety Ordinance, Assembly Bill 481 requires law enforcement agencies to submit to the governing body an annual report for each type of military equipment they possess. The required information in the annual report per Assembly Bill 481 is similar to the City of Berkeley ordinance. However, Berkeley’s Police Equipment and Community Safety Ordinance requires the capturing of significantly more details on police equipment compared to Assembly Bill 481. The City ordinance requires the police department track all cases where military equipment was deployed and used (88 incidents in 2022) whereas Assembly Bill 481 only requires the tracking of military equipment that was used (15 incidents in 2022). Thus, the City ordinance provides greater detail to the Council, Police Accountability Board and community as a whole.

Additionally, the equipment required to be reported on slightly differ. Below is a table comparing the list of equipment required to be reported on per the Police Equipment and Community Safety Ordinance and Assembly Bill 481. The differences appear at the end of both lists.

Police Equipment and Community Safety Ordinance (City Ordinance)	Assembly Bill 481
<ul style="list-style-type: none"> • M4/Patrol Rifle Associated .223 duty and training rounds • Remington 700 Precision Rifle Associated .308 rounds • Barret Model 99 Precision Rifle Associated .50 rounds • Penn Arms single 40MM launcher • Milkor LTL 40 MM multi-launcher Associated 40mm rounds • FN 303 Launcher Associated FN rounds Associated FN Pava rounds • <u>Oleoresin capsicum (OC spray)</u> • <u>Chlorobenzylidene Malononitrile and Oleoresin capsicum</u> • Light/sound distraction device • Long Range Acoustic Device (LRAD) • 36” batons 	<ul style="list-style-type: none"> • M4/Patrol Rifle Associated .223 duty and training rounds • Remington 700 Precision Rifle Associated .308 rounds • Barret Model 99 Precision Rifle Associated .50 rounds • Penn Arms single 40MM launcher • Milkor LTL 40 MM multi-launcher Associated 40mm rounds • FN 303 Launcher Associated FN rounds Associated FN Pava rounds • <u>Oleoresin capsicum (OC spray)</u> • <u>Chlorobenzylidene Malononitrile and Oleoresin capsicum</u> • Light/sound Diversionary Device • Long Range Acoustic Device (LRAD) • Mobile Command Vehicle • ReconRobotics Recon Scout XT Robots • Andros Remotec HD-1 Hazardous Duty Robot

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

It is required by law and policy that an annual report on military equipment be submitted to the City Council.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jennifer Louis, Chief of Police, (510) 981-5700

Mike Durbin, Captain Professional Standards Division, (510) 981-5760

Peter Lee, Audits and Inspections Sergeant, (510) 981-5734

PLee@BerkeleyCA.Gov

Attachments:

1: Annual Military Equipment Report

2: Resolution

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

Annual Reporting and Impact Statements: Police Equipment and
Community Safety Ordinance

WHEREAS, California Governor Gavin Newsom passed Assembly Bill 481 governing the funding, acquisition and use of military equipment on September 30, 2021; and

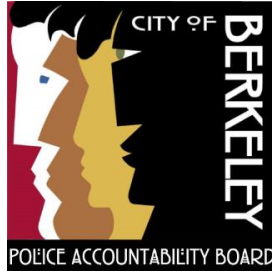
WHEREAS, Government Code 7071(a) requires all law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to funding, acquisition, or use of military equipment; and

WHEREAS, the Berkeley City Council approved Berkeley Police Department Policy 709, Military Equipment Use Policy, on July 26th 2022; and

WHEREAS, Government Code 7072 (a) requires any agency that receives approval for a Military Equipment Use Policy submit to the governing body an Annual Military Equipment Report;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the Berkeley Police Department's 2022 Annual Military Equipment Report.

List of Current PAB Subcommittees



SUBCOMMITTEES LIST
7-07-2023

Subcommittee	Board Members	Chair	BPD Reps
Regulations Formed 7-7-21 Renewed 6-7-2023	Calavita Leftwich <u>Public members:</u> Kitt Saginor		Lt. Dan Montgomery
Fair & Impartial Policing Implementation Formed 8-4-21 Renewed 6-7-2023	Calavita Wilson <u>Public members:</u> George Lippman Elliot Halpern	Calavita	Sgt. Peter Lee
Surveillance Technology Policy Formed 6-7-2023	Calavita Moore		
Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations Formed 11-15-22	Calavita Moore		
Body-Worn Camera Policy Formed 03-15-23	Harris Leftwich	Harris	
Conflict of Interest Formed 03-29-23	Leftwich Wilson	Leftwich	

Examples of Minutes Produced by Other Agencies and City Departments

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

**Tuesday, June 13, 2023
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - SOFITEL WASHINGTON DC LAFAYETTE SQUARE
806 15TH ST NW, WASHINGTON, DC 20005
TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1613410530>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 341 0530**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:07 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert

Absent: Bartlett, Arreguin

Mayor Arreguin present at 7:13 p.m.

Councilmember Bartlett present at 7:26 p.m.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters:

1. Adjourned the Meeting in Memory of James Henry Jacobs, Jr., Berkeley's First African-American Librarian

City Manager Comments: None

Public Comment on Non-Agenda Matters: 5 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

Action: M/S/C (Hahn/Harrison) to adopt the Consent Calendar in one motion except as indicated.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.

Recess 6:57 p.m. – 7:13 p.m.

Consent Calendar

- 1. Re-Vote to Adopt the Final Ordinance to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,863 N.S. – the final Ordinance amending the City’s contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group – in compliance with Government Code Section 20471.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted second reading of Ordinance No. 7,863–N.S.
- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 13, 2023**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$650,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 3. Temporary Appropriations FY 2024**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2023, until the effective date of the FY 2024 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,885–N.S.
- 4. FY 2024 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0250%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,865–N.S. Second reading scheduled for June 27, 2023.

Consent Calendar

- 5. FY 2024 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager, City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1176 (11.76 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473
Action: Adopted first reading of Ordinance No. 7,866–N.S. Second reading scheduled for June 27, 2023.
- 6. FY 2024 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0050%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,867–N.S. Second reading scheduled for June 27, 2023.
- 7. FY 2024 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0115%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,868–N.S. Second reading scheduled for June 27, 2023.

Consent Calendar

- 8. FY 2024 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0140%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,869–N.S. Second reading scheduled for June 27, 2023.
- 9. FY 2024 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0065%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,870–N.S. Second reading scheduled for June 27, 2023.
- 10. FY 2024 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for Business License Tax on large non-profits at \$0.7909 (79.09 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,871–N.S. Second reading scheduled for June 27, 2023.
- 11. FY 2024 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2130 (21.30 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,872–N.S. Second reading scheduled for June 27, 2023.

Consent Calendar

- 12. FY 2024 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0451 (4.51 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,873–N.S. Second reading scheduled for June 27, 2023.
- 13. FY 2024 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the provision of emergency services for the disabled at \$0.02018 (2.018 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,874–N.S. Second reading scheduled for June 27, 2023.
- 14. Contract: Berkeley Unified School District for Mental Health and Wellbeing Coordinator at Berkeley High School**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the Berkeley Unified School District (BUSD) for a Mental Health and Wellness Coordinator at Berkeley High School (BHS) for a total contract limit of \$350,000 for the period beginning June 26, 2023 and ending June 30, 2025.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,886–N.S.
- 15. Contract No. 32200084 Amendment: Capoeira Arts Foundation, Inc. (CAF), COVID-19 Outreach & Education**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 32200084 with Capoeira Arts Foundation, Inc. (CAF), to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$65,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$ 206,025 to \$271,025.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,887–N.S.

Consent Calendar

- 16. Contract No. 32200135 Amendment: Multicultural Institute, COVID-19 Outreach & Education**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 32200135 with Multicultural Institute, to extend the contract end date through June 30, 2024 and increase the not to exceed amount (NTE) by \$65,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$121,000 to \$186,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,888–N.S.
- 17. Ephesian Legacy Court and Woolsey Gardens Housing Trust Fund Reservations**
From: City Manager
Recommendation: Adopt a Resolution: 1. Reserving \$14,531,301 in Housing Trust Fund program funds for a development loan for Community Housing Development Corporation’s Ephesian Legacy Court (1708 Harmon Street) affordable housing development. 2. Reserving \$1,000,000 in Housing Trust Fund program funds for a predevelopment loan for Northern California Land Trust’s Woolsey Gardens (3120-3130 Shattuck) affordable housing development and waiving Sections I.A.1 and III.A.1 of the Housing Trust Fund Guidelines. 3. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,889–N.S.
- 18. Funding Recommendation for the Russell Street Project at 1741-1747 Russell**
From: City Manager
Recommendation: Adopt a Resolution: 1. Reserving up to \$4,500,000 in General Funds received pursuant to Measure P for the Russell Street supportive housing project at 1741, 1743, and 1747 Russell Street as proposed by Berkeley Food and Housing Project (BFHP), contingent on BFHP’s timely submission of a complete application demonstrating they meet the City’s funding criteria; and 2. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,890–N.S.

Consent Calendar

19. **Contract: Chemical Procurement Services, LLC for King and West Campus Swim Centers**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Chemical Procurement Services, LLC for King and West Campus Swim Centers for a not-to-exceed total amount of \$120,000 over a two-year period, beginning July 1, 2023 and ending June 30, 2025, contingent upon annual budget appropriations.
Financial Implications: General Fund - \$120,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,891–N.S.
20. **Contract No. 32100065 Amendment: BMI Imaging Systems, Incorporated for Data Conversion Services for the Berkeley Police Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100065 and any necessary amendments with BMI Imaging Systems, Incorporated for continuing data conversion services and necessary hosting services for the Berkeley Police Department (BPD), increasing the amount by \$60,000 for a total contract not to exceed \$260,000 and extending the term to six years through August 31, 2026.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,892–N.S.
21. **Declaration of Intent – Fiscal Year 2024 Street Lighting Assessments**
From: City Manager
Recommendation: Adopt two Resolutions granting the City Manager the authority to approve the Engineer’s Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 27, 2023 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for Fiscal Year 2024 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,893–N.S. (District No. 1982-1), and Resolution No. 70,894–N.S. (District 2018).

Action Calendar – Public Hearings

22. Amendments to Berkeley Election Reform Act; Amending Berkeley Municipal Code Chapter 2.12

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to modify the forms required to open a campaign committee, change the deadline to qualify for the public financing program and make associated amendments, clarify the rules for public financing candidates that do not qualify for the ballot, add an automatic inflator for the amount a public financing candidate can give to their own committee, clarify post-election processes for public financing candidates, modify the threshold to create a campaign committee, and clarify the rules for returning certain types of contributions.

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Humbert/Taplin) to adopt the first reading of Ordinance No. 7,875–N.S. Second reading scheduled for June 27, 2023.

Vote: All Ayes.

23. FY 2024 Proposed Budget Update Public Hearing #2

From: City Manager

Recommendation: Conduct Public Hearing #2 on the FY 2024 Proposed Budget Update and provide staff with comments and direction.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Public Testimony: The Mayor opened the public hearing. 13 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Councilmember Bartlett absent 9:41 p.m. – 9:43 p.m.

Recess 9:43 p.m. – 9:50 p.m.

Action: Presentation made and discussion held. No action taken.

Action Calendar – Old Business

24. **Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)** *(Continued from May 23, 2023) (Item contains Revised and Supplemental Material)*

From: City Manager

Recommendation: Adopt a Resolution approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS).

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:30 p.m.

Vote: All Ayes.

Action: 22 speakers. M/S/C (Taplin/Harrison) to adopt Resolution No. 70,895–N.S. approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS) as amended in Supplemental Communications Packet #2 by Mayor Arreguin with the additions from Councilmember Humbert and the recommended changes from the City Attorney's Office; and to make corresponding changes to Policy 1304.

Vote: All Ayes.

Action Calendar – New Business

25. Provide Direction on Closing the Funding Gap to Complete Remaining Measure T1 Projects

From: City Manager

Recommendation: Identify up to \$9.062M to cover the Measure T1 funding gap in order to complete the current remaining T1 projects.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700, Sharon Friedrichsen, Budget Manager, (510) 981-7000, Liam Garland, Public Works, (510) 981-6300

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:45 p.m.

Vote: All Ayes.

Action: 26 speakers. M/S/C (Arreguin/Harrison) to approve the recommendation of the Budget & Finance Committee to cover the Measure T1 funding gap, inclusive of the 6,000 square foot African American Holistic Resource Center project, as follows:

- Use \$4,050,000 from the Workers Compensation Fund;
- Use \$2,800,000 of \$6,750,000 allocated for the Hopkins Bike/Pedestrian T1 Project;
- Use \$500,000 from the North Berkeley Senior Center (NBSC) Solar Battery Storage T1 Project;
- Use \$643,899 of \$1,293,889 from the Street/ Intersection Security Camera Project (General Fund (GF)); and
- Use \$666,101 of \$1,300,000 from Fire Station 6 T1 Project.
- Use \$400,000 allocated to the Paperless Contract Process.

Vote: All Ayes.

Action Calendar – Continued Business

A. Amendments to the COVID-19 Emergency Response Ordinance *(Continued from June 6, 2023)*

From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Hahn (Author), Councilmember Robinson (Author)

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to adjust the required timeline to provide documentation proving that non-payment of rent was for a Covered Reason for Delayed Payment if an Unlawful Detainer is served.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: 2 speakers. M/S/C (Arreguin/Hahn) to adopt the first reading of Ordinance No. 7,876–N.S as amended in Supplemental Communications Packet #2 by Mayor Arreguin. Second reading scheduled for June 27, 2023.

Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Humbert; Abstain – Kesarwani, Wengraf.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

Action: M/S/C (Arreguin/Wengraf) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 11:42 p.m.

Communications

Item #24: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

1. John Parman
2. Christoverre Koher (2)
3. Carole Marasovic

Crime in Berkeley is Unacceptable

4. Tamara Birdsall
5. Dorothea Dorenz

Appreciation of Sergeant Perkins Badge #57

6. Anthony Johnson

Ellis Street Reparations Now – Mural Restoration

7. Catherin Huchting, et al

People’s Park

8. Wendy Stephens

Artists Affordable Housing Certification Program

9. Kathryn Reasoner

Use Permit for 3000 Shattuck

10. Lynn Cooper

Traffic Calming Henry Street Area

11. Simone Hoelck

\$5.1M for the Waterfront

12. Jack Kurzweil

Dept. of Alcoholic Beverage Control for 1834 4th Street, Berkeley

13. Anneata Williams, ABC

UC's EIR at People's Park

14. Joe Liesner

Police Accountability Board

15. Bill Williams

Ashby BART Station RFP and Reparative Investments

16. South Berkeley Now

Lessons from a Renters' Utopia (NY Times)

17. Jack Kurzweil

18. Joe Berry

Cal Sailing Club Volunteer

19. Onaje Boone

UA Theater

20. Robert Cooper

Rent Control

21. Platon Yerofeyev

Targeted Justice

22. Special K

"Youth Peace" Campaign in California

23. Douglas Wain, on behalf of Youth Peace

Jail Time Affecting Credit Scores

24. Lavell Young

Supplemental Communications and Reports 1

Item #24: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

25. Dorothea Dorenz

Supplemental Communications and Reports 2

Item #23: FY 2024 Proposed Budget Update Public Hearing #2

26. Supplemental material, submitted by the City Manager

27. Letter of Support for African-American Holistic Resource Center

Item #24: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

28. Supplemental material, submitted by Councilmember Taplin and Wengraf

29. Supplemental material, submitted by Mayor Arreguin

- 30. Priyanka
- 31. Ms. K
- 32. Kimberly Damer
- 33. Gregory Kalkanis
- 34. Jasmine Smith
- 35. Jill Travis
- 36. Carmen Sandgren
- 37. Lisa Tsering
- 38. Valarie Phillips
- 39. Elizabeth Areiza
- 40. Paula Reeves
- 41. Grace Hartman
- 42. SafeBears Info
- 43. Mary Chow
- 44. 10 similarly-worded form letters

Item #25 Provide Direction on Closing the Funding Gap to Complete Remaining Measure T1 Projects

- 45. Revised material, submitted by Councilmember Kesarwani

Item #A: Amendments to the COVID-19 Emergency Response Ordinance

- 46. Revised material, submitted by Mayor Arreguin
- 47. Supplemental material, submitted by Mayor Arreguin (originally submitted for the June 6, 2023 Council meeting)

Supplemental Communications and Reports 3

Item #14: Contract: Berkeley Unified School District for Mental Health and Wellbeing Coordinator at Berkeley High School

- 48. Todd Andrew

Item #23: FY 2024 Proposed Budget Update Public Hearing #2

- 49. Presentation, submitted by the City Manager's Office

Item #24: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

- 50. Berkeley Police Department
- 51. Todd Andrew
- 52. Steve Kromer
- 53. Christine Staples
- 54. Grace Morizawa, Chair, Peace and Justice Commission
- 55. Monika Mann
- 56. Elana Auerbach
- 57. Toni Mester
- 58. Steve Ravellette
- 59. Margaret Flaherty

Item #25 Provide Direction on Closing the Funding Gap to Complete Remaining Measure T1 Projects

- 60. Rosa Higgs
- 61. Grace Morizawa, Chair, Peace and Justice Commission
- 62. Todd Andrew
- 63. Derethia DuVal
- 64. Friends of Adeline
- 65. Esther Bass
- 66. Lynn Cooper
- 67. Delores Nochi Cooper
- 68. Willie Phillips
- 69. Paola Laverde
- 70. Negeene Mosaed
- 71. David Brandon
- 72. Christoverre Kohler
- 73. Wyndy
- 74. Moni Law
- 75. Wilhelmenia Wilson
- 76. Cheryl Davila
- 77. Helen Toy
- 78. Lois Yuen

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

**Tuesday, June 20, 2023
10:00 AM**

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room
1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Councilmembers Rashi Kesarwani, Terry Taplin, and Susan Wengraf
Alternate: Councilmember Rigel Robinson

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1604903901>. If you do not wish for your name to appear on the screen, then 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 **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter Meeting ID: **160 490 3901**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

To submit a written communication for the Committee's consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Public Safety Policy Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

MINUTES

Roll Call: 10:03 a.m.

Present: Robinson, Wengraf, and Taplin

Absent: None

Public Comment on Non-Agenda Matters – 4 speakers

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - May 15, 2023

Action: M/S/C (Robinson/Taplin) to approve the May 15, 2023 minutes.

Vote: All Ayes.

Committee Action Items

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

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

2. Review and Recommendations Requested on Surveillance Ordinance Item Related to Fixed Automated License Plate Readers (ALPRs)

From: City Manager

Recommendation: Qualified positive recommendation to Council.

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

Action: 9 speakers. M/S/C (Wengraf/Taplin) Qualified positive recommendation to the City Council with the understanding that the Berkeley Police Department (BPD) and the Police Accountability Board (PAB) will be submitting supplemental material for consideration; requesting that BPD provide a line-by-line response to the amendments and revisions proposed by the PAB clarifying why they are being accepted or rejected.

Vote: All Ayes.

Unscheduled Items

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

Unscheduled Items

3. **Audit Recommendation Status - Data Analysis of the City of Berkeley's Police Response**
From: City Manager
Referred: May 23, 2023
Due: November 7, 2023
Contact: Jennifer Louis, Police, (510) 981-5900

4. **Information Report Request: Alternatives to Chemical Agents for Response to Violent Large-Scale Crowd Scenarios**
From: Councilmember Taplin (Author)
Referred: August 29, 2022
Due: July 30, 2023
Recommendation: Direct the City Manager to study alternatives to chemical agents to improve the Berkeley Police Department's ability and capacity to respond to and de-escalate large-scale crowd scenarios, including violent militias, and return a report to the City Council by the end of Fiscal Year 2023. Report should include but not be limited to the following factors: -BPD intelligence-gathering capabilities on potentially violent large crowd scenarios; - BPD response protocols including procedures for protecting bystanders, peaceful protesters, and businesses; -Tools and tactics available for crowd control in potentially violent scenarios; -Mutual aid and support from other local/state/federal agencies; -Applicable state and federal laws on crowd control and First Amendment rights.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Items for Future Agendas

- None

Adjournment

Adjourned at 12:41 pm.

I hereby certify that the foregoing is a true and correct record of the special Public Safety Committee meeting held on June 20, 2023.

Sarah Bunting, Assistant City Clerk

Communications

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



OAKLAND POLICE COMMISSION REGULAR MEETING MINUTES

April 27, 2023
5:30 P.M.

I. **Call to Order, Welcome, Roll Call and Determination of Quorum**

Chair Tyfahra Milele called the meeting to order at approximately 5:38 p.m. and took roll.

Roll Call:

Present: Chair Tyfahra Milele; Commissioner Brenda Harbin-Forte; Commissioner Rudolph Howell; Commissioner Jesse Hsieh; Commissioner Regina Jackson; Commissioner Marsha Peterson

Excused: Alternate Commissioner Angela Jackson-Castain, Alternate Commissioner Karely Ordaz

Late: Vice Chair David Jordan

II. **Closed Session**

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957(b))

Prior to closed session, public comment was made by 1 person (Bey).

In closed session, on a motion made by Commissioner Peterson and seconded by Commissioner Harbin-Forte, the Commission voted unanimously to direct CPRA to conduct 2 investigations into officer misconduct complaints, IAD cases #22-1102 and #23-0459.

III. **Open Forum Part 1**

Public comment was made by 1 person (Olugbala).

IV. **Office of the City Attorney (OCA) Semiannual Report**

This item was postponed until the next Commission meeting on May 11th at the request of the Office of the City Attorney.

No public comment was made.

V. Update from Oakland Police Department (OPD)

Interim Chief Allison provided an update on crime and arrest statistics, the extension of the sustainability period to September, follow-up on status of systems impacted by the ransomware incident, MACRO, and CARES. Chief Allison also shared information on OPD's recently launched community survey "Blockwise", a Zencity survey aimed at bridging the relationship between OPD and the community.

Dr. Leigh Grossman presented on findings of Task 45 – Consistency of Discipline 2022 Report, which can be found on OPD's website.

Questions were raised by Commissioners Jackson, Jordan, Howell, Peterson, Harbin-Forte and Chair Milele.

Public comments were made by 1 person (Olugbala).

VI. Update from Community Police Review Agency (CPRA)

Director Jones shared the CPRA monthly report on its database, cases, RFQ for commission counsel, RFP for a CRPA/IAD consultant, trainings, mediation considerations, and community outreach.

Questions and comments were shared by Commissioners Peterson, Harbin-Forte, and Chair Milele.

Public comment was made by 1 person (Olugbala).

VII. 2022 Police Commission Annual Report for Review and Discussion

Commissioners Jackson and Peterson presented on the work done on the Annual Report and its current status, welcoming review and suggestion from the Commission and public.

Questions and suggestions were shared by Commissioners Harbin-Forte and Jordan.

Public comment was made by 1 person (Olugbala).

VIII. Approval of Meeting Minutes

Commissioner Hsieh requested additional review of March 23rd meeting minutes to ensure appropriate language was used in reference to a motion on DGO 15 - Body Worn Camera Policy.

Commissioner Harbin-Forte made a motion to approve the meeting minutes for March 9; March 30; and April 13. This motion was seconded by Vice Chair Jordan and carried by the following vote:

Ayes: 7 – Jordan, Harbin-Forte, Howell, Hsieh, Jackson, Peterson, Milele

Nays: 0

No public comment was made.

IX. Committee Reports

Staff Searches: CPRA Director, Chief of Staff, Police Chief (Commissioners Milele, Jordan, Howell)

Chair Milele provided an update on the Staff Searches Ad Hoc, which will be holding a forum for the CPRA Executive Director search on May 4 at 6:30 p.m. The ad hoc continues to welcome public feedback on suggested questions via email. Flyers can be found on the Commission website and Twitter in multiple languages.

The ad hoc has met with Mayor Thao for preliminary discussion on the Chief of Police search and will provide regular updates to the Commission as the process continues.

Militarized Equipment (Commissioners Hsieh, Jordan, Jackson-Castain)

Commissioner Hsieh provided an update on the Militarized Equipment Ad Hoc Committee. The ad hoc is currently working on the Militarized Equipment Annual Report, an extensive report that will be shared at the next Commission meeting. Commissioner Hsieh also shared information on the community engagement meeting the ad hoc is planning, tentatively set for May 25th.

CPRA Policies (Commissioners Harbin-Forte, Jackson-Castain, Ordaz)

Commissioner Harbin-Forte, Chair of the CPRA Policies Ad Hoc, shared the committee's plan to present its amended proposed policies manual to the Commission at the next May 11th meeting.

Rules of Procedure Ad Hoc Committee (Commissioners Hsieh, Howell, Jackson-Castain)

Commissioner Hsieh provided an update on the Rules of Procedure Ad Hoc, which holds its next meeting on May 9th. The ad hoc is currently working on the Commission Code of Conduct and receiving assistance from former Commissioner Jose Dorado and former Police Commission Chief of Staff Rania Adwan.

Public comments were made by 2 persons (Kramer; Olugbala).

X. Upcoming/Future Agenda Items

Commissioner Jackson requested an update on the budget and an NSA update.

No public comment was made.

XI. Open Forum Part 2

No public comment was made.

XII. Adjournment

Prior to adjournment, Commissioner Peterson shared that a virtual town hall will take place at Allen Temple Baptist Church, April 29 at 12:00-1:30 p.m. The town hall will feature a panel including Commissioner Peterson, Chair Milele, Commissioner Jackson, DA Pamela Price, and others.

Commissioner Jackson also shared that an Oakland Youth Safety Conference will be held May 13, 10:30-1:00 p.m. at Youth Uprising. Presenting will be OIG Phillips, Councilperson Treva Reid, and others.

Chair Milele adjourned the meeting at approximately 9:06 p.m.



Sheriff's Department Oversight Board

CITY AND COUNTY OF SAN FRANCISCO

JAYSON WECHTER
President

XOCHITL CARRION
Vice President

OVAVA AFUHAAMANGO
Board Member

DION-JAY BROOKTER
Board Member

MICHAEL NGUYEN
Board Member

WILLIAM PALMER II
Board Member

JULIE D. SOO
Board Member

DAN LEUNG
Legal Assistant/
Acting Secretary

Sheriff's Department Oversight Board

Regular In-Person Meeting

Friday, April 7, 2023 / 2:00 pm

1 Dr. Carlton B. Goodlett Place, City Hall, Room 400
San Francisco, CA 94102

MEETING MINUTES

Meeting called to order at 2:04 pm. Pledge of Allegiance.

ROLL CALL

PRESENT: Brookter, Carrion, Nguyen, Palmer (at 2:34 pm), Soo, Wechter, Acting Secretary
Leung

NOT PRESENT: Afuhaamango (excused)

A quorum of the Board was present.

GENERAL PUBLIC COMMENT

PUBLIC COMMENT:

Michael Petrelis, in person, asked that we make public comment 3 minutes instead of 2 minutes, stated that there was no place on the SDOB website to file a complaint and he had complained to Paul Henderson and Twitter about it. He received a response to file with the Sheriff. He does not believe he should file with the superior of the deputy he would like to complain against. He would like the system to be set up where the information is visible on the website, where there is a phone number he can call, and a special email for more information so the complaint can come to us instead of the sheriff's department. He would like to file a complaint against Andrew Martinez, III, star number 1245. He has the deputy on camera trying to prevent his speech on Tuesday at the Entertainment Commission. This deputy also follows him around when he comes to City Hall which he feels is intimidation. He would like the board and Sheriff to investigate why he is behaving this way towards him.

Vice President Carrion, confirmed with the acting secretary that the website has been updated with information on how to file a complaint.

ADOPTION OF MINUTES

Member Soo stated a few minor changes to the original March 3, 2023, agenda.

Motion to adopt the amended minutes with changes in red by President Wechter. Objection by Vice President Carrion. No second.

Motion to adopt the Meeting Minutes from March 3, 2023, as publicly amended by Member Soo and the community meeting minutes from March 14, 2023, and March 28, 2023, by Vice President Carrion, seconded by Member Soo.

04.07.2023 Meeting Minutes

Continued from ADOPTION OF MINUTES:

PUBLIC COMMENT:

Michael Petrelis, in person, stated there were no copies of the minutes for the public to inspect, and he was at a disadvantage not having the information they were looking at. He hopes that in the future, we have a few copies printed for the public who show up to view. He is interested in seeing the minutes from March 14 and March 28 to see if there were any members of the public there to speak. (The city attorney handed Mr. Petrelis copies of the minutes.) He further asked that we consider different times for our meetings so people who cannot attend on a Friday afternoon or who have to take time off with childcare may be able to attend if we have the meetings at 5 pm.

Member Soo responded that public comments may be submitted through email and that our meetings were based on availability of SFGovTV support and thanked Mr. Petrelis for his comments.

Vote to adopt the minutes of March 3, 2023, as publicly amended by Member Soo, and the community meeting minutes from March 14, 2023, and March 28, 2023:

AYES: Brookter, Carrion, Nguyen, Soo

NAYS: Wechter

Motion passes and approved by majority vote 4 – 1. Minutes of publicly amended March 3, 2023, and community meeting minutes from March 14, 2023, and March 28, 2023, are adopted.

RECRUITMENT OF INSPECTOR GENERAL

Michelle Phillips, first independent Inspector General for the city of Oakland, whose authority is civilian oversight of the Oakland Police Department, appeared remotely and presented on the process she went through to become the inspector general.

Questions from Vice President Carrion, Member Soo, and President Wechter.

PUBLIC COMMENT:

Michael Petrelis, in person, suggested that we have a rehearsal with the speaker before the meeting. He had a difficult time hearing the presentation even with the captioning. He asked if the slide presentation would be available to the public.

President Wechter asked for the City Attorney's opinion on section H on the charter that says no SDOB or OIG staff shall have been employed previously by a law enforcement agency or labor organization representing law enforcement of employees and if that applies to sworn and unsworn civilians. Deputy City Attorney Clark responded that there was no distinction.

Paul Greene appeared to give updates on the recruitment efforts for the inspector general position.

Open discussion by Vice President Carrion, President Wechter, and Member Soo.

Open discussion on March and April Community Meetings by Vice President Carrion, President Wechter, and Member Soo.

PUBLIC COMMENT:

No public comment.

SHERIFFS CHIEF REPORT

Chief Richard Jue appeared in person and gave a presentation on investigations from 2019 to August 2022.

Questions from Member Soo, President Wechter, and Vice President Carrion.

Continued from SHERIFF'S CHIEF REPORT:

PUBLIC COMMENT:

Michael Petrelis, in person, stated this was not his first time at a law enforcement accountability rodeo and this gentleman did more dodging in a few minutes than he has seen in a long time. He dodged too many questions and why is there no specific breakdown of what was sustained or exonerated? What he presented was pretty useless, without specifics of what the deputies were charged with or what the complaints were about. He was not buying it. The real problem is that law enforcement is put in a special category, special privileges. They get personal protections that members of the public never get. He has been accused of crimes and have been through the system and had no choice in the matter of his name and mug shot getting out there. He doesn't get protection. Law enforcement is accused of doing something wrong – we never learn their names. This gentleman, this deputy from the Sheriff's Office, said that you have to go into closed session if you wanted to discuss specifics of what was sustained and who the deputies were. That does not build trust with the public. How this oversight board is going to address this really important matter of, they have protections and we are suppose to just trust them? You have to delve into it and it's not going to be easy. The Police Commission does the same thing when they are dealing with complaints against cops, they go into closed session, it is never revealed to us, and we're supposed to trust them? Doesn't happen. We really need full transparency. He doesn't want to come to another meeting where the deputy is dodging pretty basic questions of what were the break downs. That cannot be acceptable. He has waited a long time for a degree of accountability over the Sheriff's Department. He doesn't want to hear about they don't have enough staff, they don't have the technology. They've got it. They just use it as an excuse to protect themselves and finally, he thinks it always has to be explained that the Sheriff's Department investigated the deputies. That calls into question the independence of the investigation.

Vice President Carrion made clarifications and responded. President Wechter also responded.

BREAK: 3:31 pm until 3:40 pm.

MEDIA POLICY

Open discussion on the media policy by Member Soo.

Motion to adopt the media policy as written by Vice President Carrion, seconded by Member Soo.

Further open discussion by President Wechter, Members Soo, and Brookter, Vice President Carrion, Members Nguyen, and Palmer.

PUBLIC COMMENT:

Michael Petrelis, in person, believes that the Police Commission did develop a social media policy in the first year of the pandemic. Matt Dorsey was responsible for creating it. He may be wrong. He asked the board to verify what is going on with the Police Commission and their media policy, if they have one or don't. If they do have one, look at it but don't just accept it as something you should automatically copy. Regarding social media, he is looking at the Twitter account for this body, it is at SF_SDOB. There have been about 36 tweets and they have all been very informative, including where your meeting is. This morning they did post information about misconduct complaints investigated by the DPA. It lists 5 reasons for misconduct complaints. By only listing 5, a member of the public will say, well this doesn't involve sexual misconduct, but I still would like to file a complaint. What he is trying to articulate is that by limiting the number of reasons why a complaint can be investigated, you should say, regardless of that, please contact us if you would still like to file a complaint. When you look at other accounts that are being followed by your Twitter account, by the way, your Twitter account, I think you should ask who is maintaining it. Whoever is maintaining it, they are following the Warriors, the 49ers, the SF Giants, the Vice President, the President. Okay. I can understand following Kamala Harris and Joe Biden. I cannot understand why your Twitter account is following sports teams. I'm not into sports, and I question that. When you look at the number of followers of your Twitter account, there's one follower and you're looking at him. I would like for you to have more followers on your Twitter account. I think that whoever has started this account is doing a pretty good job of giving the facts about the meetings and complaints and what have you. There have been 32 tweets since they opened this account. I sometimes spend too much time on Twitter, and there are a lot of us on Twitter because it's live, it's fast, of course we have problems with

Continued from PUBLIC COMMENT under MEDIA POLICY

Elon Musk but you really need to engage with us on social media. And I think you can easily find a liaison from the board to guide the person who is creating and maintaining your social media.

Motion to adopt the media policy and have Member Palmer as the media liaison by Vice President Carrion, seconded by Member Soo:

AYES: Carrion, Palmer, Soo

NAYS: Bookter, Nguyen, Wechter

Vote on motion to adopt the media policy and have Member Palmer as the media liaison is tied and as such, is not adopted.

Motion to identify Member Palmer as the media liaison by Vice President Carrion, seconded by Member Brookter.

Open discussion on a media liaison by President Wechter, Vice President Carrion, Members Brookter, Soo, Nguyen, and Palmer.

PUBLIC COMMENT:

Michael Petrelis, in person, says this is not his first time at the law enforcement accountability rodeo. It really is, in his understanding, appointing a liaison, get to it, you need it. It will really, really enhance your work, enhance the accountability. We need this oversight board, to get to the Office of the Inspector General. Michelle Phillips and her presentation, it needs to be seen and heard by many more people. You really have to keep in mind that you are being watched by the communities that have been abused by the Sheriff's Department. We have waited a long time for this accountability. He does not want you putting in more time about do you need a liaison. Yes, you do. Yes, you need to decide these things relatively quickly. The larger issues of accountability are harmed. Okay. Please appoint Commissioner Palmer to the liaison. Figure out who is running your Twitter account. Keep improving on it and let's get to accountability please.

Vote to have Member Palmer as the SDOB media liaison.

AYES: Brookter, Carrion, Nguyen, Palmer, Soo, Wechter

NAYS: None

Motion approved and passes 6 – 0. Member Palmer shall be the media liaison for the SDOB.

FUTURE AGENDA ITEMS

Open discussion by Vice President Carrion, Member Soo, President Wechter, Members Brookter, and Palmer.

- Prioritizing useful information from the Sheriff's Department for the inspector general.
- Goals, timelines, and benchmarks for the year.
- Quarterly and annual reports.
- Detailed reports from the Sheriff's Department to fulfill charter mandates.
- Information for a potential applicant, inventory of resources, IT, reporting capabilities for the Sheriff's Office, so a candidate for Inspector General can have a clear vision and the board can choose the right person.
- Sheriff's Office report on inventory on technology, availability data, availability of reports, DPA investigations – comment on how readily available particular information is and the process. If data is hard to get, that we know where the delays might be and the improvements.
- What are the points of disqualification? And who decides the disqualification? (in regard to applying to be a Sheriff's Deputy) – can wait until we are closer to hiring an inspector general.
- Presentation by DPH – later meeting
- Operational needs for improvement from Sheriff's Deputies.
- Updated report on revision updates after the board reviews the new policy – for a later meeting.
- Memo from DCA Clark on the definition of “employed by law enforcement” with regard to the charter amendment language for the Inspector General.

Continued from **FUTURE AGENDA ITEMS**

Margaret Bumgartner responded on the revision updates, LexiPol due to go live on April 15, 2023.

PUBLIC COMMENT

No public comment.

GENERAL PUBLIC COMMENT

No public comment.

ADJOURNMENT

All those in favor voted AYE. No NAYS.

Meeting was adjourned at 4:54 pm.



Dan Leung
Legal Assistant,
Sheriff's Department Oversight Board

Full video recording may be accessed at:

https://sanfrancisco.granicus.com/player/clip/43347?view_id=223&redirect=true&h=6b151a190d1ade10d1ce9bba19ba6a0a

ODPA Memorandum Titled “Recap of
Community Input Session_Automated
License Plate Readers (ALPR): A Discussion
ALPRs in the City of Berkeley” and Related
Documents



MEMORANDUM

Date: July 7, 2023
To: Police Accountability Board
From: Hansel A. Aguilar, Director of Police Accountability
Jose D. Murillo, Policy Analyst
Re: Recap of Community Input Session_ Automated License Plate Readers
(ALPR): A Discussion on ALPRs in the City of Berkeley

The purpose of this memorandum is to provide a summary of the virtual community input session that took place on Thursday, July 6, 2023, regarding the Berkeley Police Department's (BPD) proposed fixed Automated License Plate Readers (ALPR) acquisition report and policies. The session was organized by the Office of the Director of Police Accountability (ODPA) with the goal of gathering community feedback and perspectives on these important matters on behalf of the Police Accountability Board (PAB).

Key Details:

- Date: Thursday, July 6th, 2023; Time: 6:00 PM - 7:30 PM
- Location: Zoom Webinar
- Approximately 70 unique viewers participated in the session.
- Discussion format:
 - ODPa Staff overview
 - Written Q&A available throughout the session and
 - Live comment section

During the session, ODPa staff provided an informative overview of various topics, including BMC 2.99 - Acquisition and Use of Surveillance Technology, BPD's Acquisition Report for ALPRs, BPD's proposed Surveillance Use Policy, BPD's proposed Training and Operational Policy, Council Legislative History on ALPR, and the official position of the Police Accountability Board (PAB) regarding these policies.

The community members actively engaged in the discussion through the written Q&A format and the live comment section. Approximately 50 questions or comments were submitted through the Q&A feature, and an additional 20 were shared via the live comment section. The session facilitated diverse perspectives and inclusive dialogue, allowing participants to seek clarification, voice concerns, and express support for the proposed ALPR technology and related policies.

For your reference, the following documents are attached:

- Invitational email
- Invitational flyer
- Opening remarks
- Input Session Powerpoint Presentation
- Transcript with YouTube video link
- Questions/comments made through the Q&A tool

Overall, the staff believes the community input session was a successful platform for gathering valuable feedback and fostering dialogue on the proposed ALPR acquisition report and policies. The high level of participation demonstrates the community's interest and engagement in matters concerning public safety and surveillance technology. This forum holds great promise for future policy discussions and community involvement.

We were unable to address all comments and questions, but we will carefully review the questions, comments, and feedback received during the session to ensure a comprehensive understanding of the community's concerns and perspectives.

ODPA Invitation Email to Community Members

Dear Community Members:

The Office of the Director of Police Accountability (ODPA) cordially invites you to a virtual community input session regarding the proposed fixed Automated License Plate Readers (ALPR) acquisition report and policies of the Berkeley Police Department. We value your input and believe that diverse perspectives and inclusive dialogue are essential for shaping the future of public safety in Berkeley.

During this session, our dedicated ODPA staff will provide an informative overview of the following key topics:

- BMC 2.99 - Acquisition and Use of Surveillance Technology
- Berkeley Police Department (BPD) Acquisition Report for ALPRs
- BPD Proposed Surveillance Use Policy
- BPD Proposed Training and Operational Policy
- Council Legislative History on ALPR
- Official Position of the Police Accountability Board (PAB) regarding these policies

Date: Thursday, July 6th, 2023
Webinar

Time: 6:00 PM - 7:30 PM

Location: Zoom

Webinar ID: 831 7606 7569

Link: <https://us02web.zoom.us/j/83176067569>

This community input session is a valuable opportunity for you to enhance your understanding of ALPR policies, seek clarification through questioning, and voice your concerns or show support for this technology in our community. We strongly encourage everyone to attend and actively participate in this important discussion. Please share this invitation with your friends, neighbors, and fellow community members who may have an interest in this topic. We welcome all voices and perspectives to ensure a comprehensive and well-informed discussion.

Attached to this email, you will find a flyer providing further details about the session. If you have any questions or require further information, please do not hesitate to reach out to us via email.

We look forward to your active participation and meaningful contributions to this community input session. Together, we can create a safer and more transparent environment for all residents of Berkeley.

--

Hansel Alejandro Aguilar
Director of Police Accountability
Office of the Director of Police Accountability
1947 Center St. – 5th floor
Berkeley, CA 94704

*The Police Accountability Board and the Director of Police Accountability replaced the Police Review Commission as of July 1, 2021.



COMMUNITY INPUT SESSION

A DISCUSSION ON AUTOMATED LICENSE PLATE READERS (ALPR) IN THE CITY OF BERKELEY

Join the Office of the Director of Police Accountability (ODPA) for a community input session about the Berkeley Police Department's proposed fixed Automated License Plate Readers (ALPR) acquisition report and policies.

During this session, ODPA staff will provide an overview of the:

- BMC 2.99- Acquisition and Use of Surveillance Technology
- BPD Acquisition Report for ALPRs
- BPD proposed Surveillance Use Policy
- BPD proposed Training and Operational Policy
- Council legislative history on ALPR
- Official position of the Police Accountability Board (PAB) concerning these policies.

This is an opportunity for community members to enhance their understanding of ALPR policies, seek clarification through questioning, and voice their concerns or show support for this technology in our community. We encourage everyone to attend and actively participate in shaping the future of public safety in Berkeley.



DATE & TIME

Thursday, July 6th, 2023
6:00 PM- 7:30 PM

ZOOM



Access the event by clicking the following link:

<https://us02web.zoom.us/j/83176067569>


Webinar ID:
831 7606 7569

OR

Join via phone by dialing
[+1\(669\) 900-6833](tel:+16699006833)
and entering the Webinar ID:
831 7606 7569.

PROMOTING PUBLIC TRUST THROUGH INDEPENDENT, OBJECTIVE, CIVILIAN OVERSIGHT OF THE BERKELEY POLICE DEPARTMENT

 dpa@berkeleyca.gov

 510-981-4950

 <https://berkeleyca.gov/safety-health/police-accountability>



DPA AGUILAR OPENING REMARKS FOR July 6, 2023

- COMMUNITY INPUT SESSION -

AUTOMATED LICENSE PLATE READERS(ALPR): A DISCUSSION ON ALPRS IN THE CITY OF BERKELEY

Ladies and gentlemen, distinguished guests, and community members,

Good evening and welcome to this community input session. As the Director of Police Accountability for the City of Berkeley, it is an honor to stand before you today as we gather to discuss an important matter concerning public safety in our city. I would like to take a moment to acknowledge and recognize that discussions on matters of public safety can evoke strong opinions and sentiments. However, it is crucial that we approach this dialogue with open minds, respect for diverse perspectives, and a shared commitment to the well-being of our community.

Firstly, I would like to extend my gratitude to each and every one of you for taking the time to join us here today. Your presence here reflects your dedication to actively participating in the decision-making process that shapes our city's policies. It is through open and inclusive discussions like these that we can make informed decisions that truly serve the needs and aspirations of our community.

It is also worth noting that we are holding this community input session during a week that holds great significance to us as Americans—the week in which we celebrate our independence through the Fourth of July holiday. This occasion reminds us of the principles upon which our nation was founded, including the right to life, liberty, and the pursuit of happiness. It is in this spirit of freedom and community that we convene here today, striving to ensure that our city's policies uphold these cherished values.

The focus of today's discussion is the potential acquisition of automated license plate readers (ALPR) by our police department. These technological tools have the potential to impact the way law enforcement operates in our community, and it is crucial that we thoroughly evaluate their potential benefits and risks. As the Police Accountability Board considers the proposed policies regarding ALPRs, it is vital that we gather diverse input from community members like you. Your perspectives, concerns, and insights will greatly inform the decision-making process and help shape the policies that govern this technology's usage in our city.

Let me emphasize that the purpose of this input session is to create an inclusive space for dialogue, where differing viewpoints can be shared and understood. We encourage everyone to engage respectfully and constructively, ensuring that all voices are heard and valued. By doing so, we can foster a sense of trust, collaboration, and accountability within our community.

Once again, thank you for your presence and your commitment to shaping the future of our city. Your input matters, and together, we can work towards a safer and more just community. I look forward to a productive and meaningful discussion tonight.

Thank you.





Image Source: Flock Safety



COMMUNITY INPUT SESSION

Automated License Plate Readers (ALPR)

A Discussion on Automated License Plate Readers (ALPR)
in the City of Berkeley

July 6, 2023
Hosted by the ODPa

Overview

- I. Introductions and Presentation Overview
- II. Review of Community Agreements
- III. Overview of Berkeley Municipal Code 2.99 “Acquisition and Use of Surveillance Technology”
- IV. Overview of Automated License Plate Reader (ALPR) Technology
- V. Overview of the Berkeley City Council’s Legislative History on ALPR
- VI. Overview of the Berkeley Police Department’s Proposed ALPR Policies
- VII. Overview of Police Accountability Board’s (PAB) Position Concerning ALPR Policies.
- VIII. Open Discussion and Q&A Session

Community Agreements

- Be both teachers and learners:** We embrace the idea that everyone has something valuable to contribute and that we can all learn from each other.
- Challenge ideas, not people:** We encourage participants to focus their critiques and challenges on the ideas being presented rather than attacking or belittling individuals. We value diverse opinions and aim to engage in thoughtful discussion that promotes growth and understanding.
- Practice active listening:** We emphasize the importance of active listening in our discussions. This means giving our full attention to the speaker, seeking to understand their perspective before formulating a response, and refraining from interrupting.
- Show respect and empathy:** We value respect and empathy as foundational principles in our community discussions. We aim to create a safe and inclusive space where all individuals feel heard and valued.
- Take accountability:** We hold ourselves accountable for our words and actions within the community. We acknowledge that our contributions have an impact on others, and we take responsibility for fostering a positive and inclusive environment. If any conflicts or issues arise, we are committed to addressing them openly and collaboratively, seeking resolution in a respectful manner.

Berkeley Municipal Code 2.99 “Acquisition and Use of Surveillance Technology” (2018)

- City's goal: Establish a balanced process for procurement and use of Surveillance Technology, considering public safety and privacy/civil rights.
- Transparency is crucial in the consideration of Surveillance Technology.
- Surveillance Technology can benefit public order and safety but may jeopardize privacy and civil liberties.
- Decisions on Surveillance Technology should prioritize the impact on civil rights and civil liberties, as guaranteed by California and US Constitutions.

Chapter 2.99
ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY

actions: 🔍 🔄 📄 🗑️

2.99.010	Purposes.
2.99.020	Definitions.
2.99.030	City Council Approval Requirement.
2.99.040	Temporary Acquisition and Use of Surveillance Equipment.
2.99.050	Compliance for Existing Surveillance Technology.
2.99.060	Determination by City Council that Benefits Outweigh Costs and Concerns.
2.99.070	Oversight Following City Council Approval.
2.99.080	Public Access to Surveillance Technology Contracts.
2.99.090	Enforcement.
2.99.100	Whistleblower Protections.
2.99.110	Severability.

Berkeley Municipal Code 2.99 “Acquisition and Use of Surveillance Technology” (Cont.)

- Evaluation of financial costs associated with acquisition, installation, use, and maintenance of Surveillance Technology is necessary.
- City Council should govern decisions on funding, acquisition, and use of Surveillance Technologies.
- Safeguards, including transparency, oversight, and accountability measures, are crucial at local, state, and federal levels.
- Data reporting measures ensure compliance with civil rights and civil liberties safeguards.

Chapter 2.99
ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY

Sections:

2.99.010	Purposes.
2.99.020	Definitions.
2.99.030	City Council Approval Requirement.
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2.99.100	Whistleblower Protections.
2.99.110	Severability.

The Police Accountability Board* & Surveillance Technology Under BMC 2.99

- City Manager must present** a Surveillance Use Policy for each Surveillance Technology to the Police Review Commission before City Council adoption
- The Police Accountability Board must receive** the corresponding Surveillance Acquisition Report presented to the council for that Surveillance Technology
- Within 30 days** of receiving a Surveillance Use Policy for review, the Police Review Commission must vote to recommend approval, object to the proposal, recommend modifications, or take no action
- Opposition or failure by the Police Accountability Board to act does not prevent the City Manager from proceeding with their own review and potential adoption.



Image Source: Getty Images

* - BMC 2.99 currently references the predecessor agency the Police Review Commission (PRC). The PAB has assumed all duties and responsibilities of the PRC.

What are Automated License Plate Readers?



Image Source: Electronic Frontier Foundation

- ALPR systems capture images of license plates automatically.
- The images are converted into text using special software.
- The converted plate number is compared with databases of vehicles of interest.
- Law enforcement and other agencies use ALPR to identify vehicles they are looking for.
- When a vehicle of interest is detected, the system notifies the officer.

Source:
Gullo, Karen, et al. "Automated License Plate Readers (ALPRs)." *Electronic Frontier Foundation*, 15 May 2020. www.eff.org/pages/automated-license-plate-readers-alpr.

What are ALPRs used for?

Rapidly identifying and locating vehicles of interest to law enforcement.

- Comparing license plate encounters with law enforcement databases ("hot lists") for active investigations, such as missing persons, stolen vehicles, or stolen license plates.
- Assisting in the identification of suspects, victims, and witnesses by canvassing license plates near crime scenes.
- Acting as a search tool with limited information, including partial license plate details.



Image Source: PIPS Technology

Source: "Automated License Plate Recognition." *International Association of Chiefs of Police*, www.theiacp.org/projects/automated-license-plate-recognition. Accessed 6 July 2023.

Berkeley City Council's Legislative History on ALPR

- November 1, 2021 – Public Safety Policy Committee of the City Council makes a budget referral proposing the acquisition of fixed ALPRs.
- November 30, 2021 – The budget referral was presented to the City Council and approved by a majority of Council.
- The budget referral included the installation of ALPRs at strategic locations, allocation of funds in the FY 23-24 budget for ALPRs, and the development of a policy governing the use of ALPRs by the Berkeley Police Department in compliance with relevant city ordinances, specifically Berkeley Municipal Code (BMC) 2.99.
- May 11, 2023 – Police Chief Louis presented the Board with Policy 422 and Policy 1305—the proposed ALPR policies.

Berkeley City Council's Legislative History on ALPR (Cont.)

- June 15, 2023 – The ODPa provides a report to the PAB titled "Automatic License Plate Readers (ALPR) in the City of Berkeley: A Preliminary Review of Proposed BPD Policies by the Office of the Director of Police Accountability (ODPA) Submitted to the Police Accountability Board (PAB)"
- June 16, 2023 – The PAB holds a special meeting to discuss the proposed ALPR policies. The PAB votes to object to the acquisition report and proposed policies as presented. The PAB sends an objection letter to the BPD and City Council.
- June 20, 2023 – The Public Safety Policy Committee holds a special meeting to discuss the ALPR policies. The committee votes to send a qualified positive to the City Council on the condition that the PAB and BPD work to address the concerns of the PAB.
- June 27, 2023 – PAB Chair Moore, Board Member Wilson, Sgt. Ledoux, and ODPa Staff meet to discuss the concerns of the PAB as articulated in the objection letter.
- July 7, 2023 – The BPD provides the PAB with the updated policies. The ALPR documents (proposed redline versions of the policies) as well as a memo prepared at the request of the Public Safety Policy Committee which provides specific responses to concerns raised by the DPA/PAB. There was no change to the previously submitted Acquisition Report.

Berkeley City Council’s Legislative History on ALPR (Cont.)

- July 12, 2023 – The PAB will review the updated policies and further discuss their stance on ALPRs.
- July 25, 2023 – The BPD will present its acquisition report and use policies to the full City Council.

BPD’s Proposed Acquisition Report

Purpose:

- Berkeley Police Department will utilize a network of fixed automated license plate readers (ALPRs).
- ALPRs will be affixed to street poles, street lights, or other similar objects owned by the City of Berkeley or covered by a right-of-way agreement.
- ALPRs are commonly used to alert police of wanted vehicles or vehicles of interest entering their jurisdiction.
- ALPR technology is increasingly used on local freeways, bridges, and sometimes in private parking lots.

BPD's Proposed Acquisition Report

Justification:

- Berkeley Police Department investigators have identified instances where effective ALPR deployment could have helped focus on wanted vehicles and potentially prevented crimes in the city.
 - Theft of vehicles
 - Incidents of armed robbery
 - Property-related crimes
 - Homicide cases
 - Sex/Domestic Violence Crimes

BPD's Proposed Acquisition Report

Location:

- BPD proposes to install 52 fixed ALPRs in the City of Berkeley. While the cameras are permanent installations, if found ineffective in the installed location, the Department can elect to move the camera to another location at nominal cost.
- It's preferred to leave cameras installed in locations for periods of minimally a year. Locations will be determined using crime data, known locations of ingress or egress into the City of Berkeley, and commonly known direction of travel after criminal acts based on information provided from investigators.
- The Department will balance the need to deploy the camera systems equitably across the City of Berkeley with the need to deploy the cameras in an effective manner.
- BPD will solicit input from the vendor for an effective deployment.

BPD's Proposed Acquisition Report

Impact:

- 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 utilized with ALPR Units will help to prevent unauthorized use of its data. The procedures will 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 potentially disparate or adverse impacts on any communities or groups.

BPD's Proposed Policies

BPD Policy 422 "Fixed Automated License Plate Readers (ALPRs)"

Purpose and Scope: *"The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. Department Personnel shall adhere to the requirements of Fixed ALPRs in this policy as well as the corresponding Surveillance Use-Fixed ALPRs policy-1305."*

BPD's Proposed Policies

BPD Policy 1305 "Surveillance Use Policy – Fixed ALPRs"

"The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. Department Personnel shall adhere to the requirements of the Surveillance Use-Fixed ALPRs in this policy as well as the corresponding Use Policy - 422.

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

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for 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 (CBP)."

PAB Stance on the Proposed Policies

The PAB expressed 4 areas of concerns but they have not taken a stance on the technology itself. Their concerns are the following:

- 1) **Civil Liberties Protections:** The proposed acquisition report and policies need to provide stronger safeguards and assurances for protecting civil liberties and privacy rights. The PAB emphasizes the importance of ensuring that the acquisition and use of ALPRs do not infringe upon the rights of individuals in the community.
- 2) **Lack of Empirical Support or Data:** The PAB has noted a lack of empirical evidence or data demonstrating the effectiveness of the technology in achieving its intended goals within the City of Berkeley. While acknowledging the reported increase in crime in specific categories, the PAB highlights the need for an analysis of comparable jurisdictions with or without this technology to determine its potential effectiveness. Solid evidence is crucial before moving forward with the acquisition to ensure its significant contribution to solving criminal investigations and enhancing public safety.

PAB Stance on the Proposed Policies (Cont.)

3) **Concerns about True Costs:** The PAB has expressed concerns about the true costs associated with the technology, including potential hidden costs, maintenance expenses, and long-term financial commitments. It is imperative to have a comprehensive understanding of the financial implications and ensure that the benefits outweigh the costs.

4) **Lack of Completeness of the Acquisition Report and Proposed Policies:** The proposed policies require further clarity, elaboration, and editing. Specifically, the PAB calls for a clear outline of the intended uses of the data, retention periods, access controls, and measures to protect against potential misuse or unauthorized access. The inclusion of more information about minimum training requirements for the users of the technology is also requested.

Comments and/or Questions

We will proceed as follows...

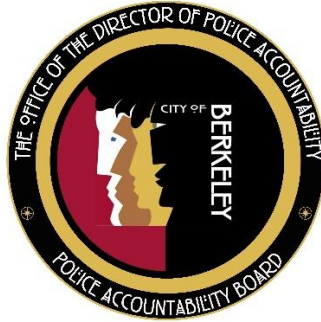
1. Comments in the Q&A list
2. Live questions
3. Closing Comments

Contact Us

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Community Input Session Transcript

Session Topic: “Automated License Plate Readers (ALPR): A Discussion on ALPRs in the City of Berkeley”

Office of the Director of Police Accountability
CITY OF BERKELEY | 1947 CENTER STREET, 5TH FLOOR, BERKELEY, CA 94704

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The video recording is available for viewing through the following link: <https://youtu.be/00L2wYj-DAO>.

TRANSCRIPT

[Jose Murillo, ODPa Policy Analyst] 18:00:37

Okay. Good afternoon everyone. My name is Jose Murillo. I'm a policy analyst with the Office of the Director of Police Accountability.

[Jose Murillo, ODPa Policy Analyst] 18:00:46

Today we're going to be providing you with a presentation on automatic license plate readers. And with that, I'll hand it over to the director who will get us started this afternoon.

[Hansel Aguilar, Director of Police Accountability] 18:01:00

Good evening committee members. We do see we got a quite a few folks here so we'll get started with our discussion.

[Hansel Aguilar, Director of Police Accountability] 18:01:07

We are on the clock so to speak. Just I do see we have at least one hand.

[Hansel Aguilar, Director of Police Accountability] 18:01:14

That's raised in the attendee section and just wanna make sure that I acknowledge you and that we will be able to get to community comments.

[Hansel Aguilar, Director of Police Accountability] 18:01:24

We just have to provide a overview about the agenda for today and how we'll proceed today. Do you get proceed with the next slide, please?

[Hansel Aguilar, Director of Police Accountability] 18:01:34

So here's our agenda for today. I am the, director of police accountability here in the city of Berkeley and I do wanna thank you and welcome you to this input, committee input session.

[Hansel Aguilar, Director of Police Accountability] 18:01:48

We're really. Grateful that use community members are able to join us today. As we stand as we sit here today to gather and to discuss an important matter concerning public safety in our city.

[Hansel Aguilar, Director of Police Accountability] 18:02:01

I just wanna take a moment to acknowledge and recognize that discussions on matters of public safety. They can evoke strong opinions and sentiments.

[Hansel Aguilar, Director of Police Accountability] 18:02:09

However, it is crucial that we a process dialogue with open minds respect for diverse perspectives in a shared commitment to the well being of our community.

[Hansel Aguilar, Director of Police Accountability] 18:02:19

First, I'd like to again extend my gratitude to each and every one of you for taking the time to join us here today.

[Hansel Aguilar, Director of Police Accountability] 18:02:25

You press this here, reflects your dedication to actively participating in decision making processes that shape our city's policies.

[Hansel Aguilar, Director of Police Accountability] 18:02:34

It is through this open and inclusive dialogue. That we can make sure that we make informed decisions that truly serve the needs and aspirations of our community.

[Hansel Aguilar, Director of Police Accountability] 18:02:44

It's also worth noting that we're holding this committee input session during a week that holds great significance to us.

[Hansel Aguilar, Director of Police Accountability] 18:02:52

The week in which we celebrate our independence to the Fourth of July holiday. This location reminds us of the principles upon which our nation was founded on.

[Hansel Aguilar, Director of Police Accountability] 18:03:00

And including the right to life, liberty and pursuit of happiness. So we is in this period. That, the spirit of freedom and community that we can be here today striving to ensure that our city's policies uphold these cherished values.

[Hansel Aguilar, Director of Police Accountability] 18:03:15

The focus of today's discussion is to potential acquisition of automated license plate readers or ALPR.

[Hansel Aguilar, Director of Police Accountability] 18:03:25

As are commonly referred to by the acronym. By our police department. These technological tools have the potential impact the way launch enforcement operates in our community and is crucial that we thoroughly evaluate the event their potential benefits and risk.

[Hansel Aguilar, Director of Police Accountability] 18:03:40

As the Police Accountability Board considers the proposed policies regarding It is vital that we gather diverse input for community members like you.

[Hansel Aguilar, Director of Police Accountability] 18:03:50

Your perspectives, concerns and insights will greatly inform the decision making process of the city council and help shape the policies that govern this acknowledges usage in our city if adopted.

[Hansel Aguilar, Director of Police Accountability] 18:04:01

Let me emphasize that the purpose of the input session is to create an inclusive space for dialogue where different viewpoints can be shared and understood.

[Hansel Aguilar, Director of Police Accountability] 18:04:09

We encourage everyone to engage respectfully and constructively. Ensuring that all voices are heard and valued. By doing so, we can foster a sense of trust, collaboration, and accountability within our community.

[Hansel Aguilar, Director of Police Accountability] 18:04:22

Was again, thank you for your presence and commitment to shaping the future of our city. So as you can see in the slide before you, the overview, we're going to, do a thorough review of what we like to call community agreements that spell out a little bit more about the agreements that we expect out of

[Hansel Aguilar, Director of Police Accountability] 18:04:42

this dialogue today. We're going to have an overview via policy analysts of the Berkeley municipal code, 2.9.9 the acquisition and user surveillance technology.

[Hansel Aguilar, Director of Police Accountability] 18:04:54

We're going to do an overview of the proposed. License plate vendors. Technology, excuse me, of the technology itself, then an overview of the legislative history, an overview of the department's proposed policies and the initial position of the police accountability boards on these policies.

[Hansel Aguilar, Director of Police Accountability] 18:05:15

Then we'll go ahead and open discussion and do QA. I do believe though our policy analyst has a note about the QA session.

[Hansel Aguilar, Director of Police Accountability] 18:05:23

If you can. Surprise and guidance there.

[Jose Murillo, ODPa Policy Analyst] 18:05:27

Sorry, I was muted for a moment. But yes, some of you have already found we have enabled the QA section.

[Jose Murillo, ODPa Policy Analyst] 18:05:35

As you have questions through the presentation, feel free to drop them in that chat box. So what we'll do at the end of the presentation is that we'll review the questions or comments are submitted there.

[Jose Murillo, ODPa Policy Analyst] 18:05:45

Zoom does have the feature, to upload any questions. So if you see a question in that chat box and you think, wow, that's a great question.

[Jose Murillo, ODPa Policy Analyst] 18:05:54

You could vote for it and I'll go up towards the top. We'll try to get to as many hands as we can during our, last portion as well.

[Jose Murillo, ODPa Policy Analyst] 18:06:01

Again, I also see that again, recognizing the hands are already raised. We will have that opportunity.

[Jose Murillo, ODPa Policy Analyst] 18:06:06

But again, the QA chat box is open in case there's any questions that come up through that process, feel free to drop them in there.

[Jose Murillo, ODPa Policy Analyst] 18:06:14

We'll be monitoring them as we go along.

[Hansel Aguilar, Director of Police Accountability] 18:06:18

And I do see a note about close captioning. Can you just confirm if that's already enabled for the community members?

[Hansel Aguilar, Director of Police Accountability] 18:06:27

You're muted.

[Jose Murillo, ODPa Policy Analyst] 18:06:32

Sorry, yes, it is enabled. Close captioning and then there's also a question about the QA.

[Jose Murillo, ODPa Policy Analyst] 18:06:39

That box that I'm referring to is where the comments are being. Submitted

[Hansel Aguilar, Director of Police Accountability] 18:06:51

So we'll go ahead and you can advance to the next slide.

[Hansel Aguilar, Director of Police Accountability] 18:06:59

Discuss our community agreement. Okay. One of the things that the main points here is to be both teachers and learners.

[Hansel Aguilar, Director of Police Accountability] 18:07:08

Challenge ideas, not people. Practice active listening, show respect and empathy and take accountability.

[Hansel Aguilar, Director of Police Accountability] 18:07:16

Again, I wanna emphasize that public safety discussions can, evoke a lot of strong emotions and sentiments.

[Hansel Aguilar, Director of Police Accountability] 18:07:23

We understand there's a lot at stake when we're authorizing the, our government, whether local or, at the state level or the federal level to be able to utilize technologies to monitor our community members.

[Hansel Aguilar, Director of Police Accountability] 18:07:39

We know that these have real life impacts. We also do know that community members are concerned for personal safety and also do know that community members are concerned for personal safety and also safety of property.

[Hansel Aguilar, Director of Police Accountability] 18:07:56

Viewpoints and making sure that we're providing the space we are again going to be reporting back to the police accountability board.

[Hansel Aguilar, Director of Police Accountability] 18:08:04

The, feedback that we're receiving here at the board continues to. Consider the department's proposed policies.

[Hansel Aguilar, Director of Police Accountability] 18:08:15

They will be meeting for their next regularly scheduled meeting on July 12. So it is our are in our task to, memorialize the feedback we receive here and present it to the board at this next board meeting.

[Hansel Aguilar, Director of Police Accountability] 18:08:33

And we can go ahead and, we'll revisit the community agreements, before we start the discussion.

[Jose Murillo, ODPa Policy Analyst] 18:08:39

Oh! Okay. So again, my name's Las Mudi. I'm the policy analyst here with the office of director of police accountability.

[Jose Murillo, ODPa Policy Analyst] 18:08:49

And we just wanna start today with, the Berkeley, 2 99 for the acquisition and use of surveillance technology.

[Jose Murillo, ODPa Policy Analyst] 18:08:58

I know during a lot of the police accountability boards meetings during the council meetings. You often hear us referring to BMC 2 99 or the surveillance ordinance which is what we'll be covering today so we just want to give that overview before we get into technology itself.

[Jose Murillo, ODPa Policy Analyst] 18:09:15

So the goal of BMC 2 99 is to essentially establish a process, for the procurement and use of surveillance technology, in a way that considers both public safety and privacy and civil rights.

[Jose Murillo, ODPa Policy Analyst] 18:09:29

Transparency is the main theme behind this ordinance. It's crucial in the consideration of any surveillance technology that we are transparent.

[Jose Murillo, ODPa Policy Analyst] 18:09:38

And again, it emphasizes that surveillance technology can benefit public order and safety. But it could also jeopardize privacy and civil liberties if it's a abuse.

[Jose Murillo, ODPa Policy Analyst] 18:09:48

So the decision on surveillance technology, should always prioritize impact on civil rights and civil liberties, as guaranteed by the California and US constitutions.

[Jose Murillo, ODPa Policy Analyst] 18:10:00

And under that general principle is that the city passed this ordinance.

[Jose Murillo, ODPa Policy Analyst] 18:10:08

Again, part is part of the ordinance there requires an evaluation of the financial costs associated with the acquisition.

[Jose Murillo, ODPa Policy Analyst] 18:10:15

The installment, the use and the maintenance of any surveillance technology. It states that city council should govern decisions on funding acquisition on the use of the surveillance technology so this is where you hear a lot of the mandate for a policy like recovery today.

[Jose Murillo, ODPa Policy Analyst] 18:10:31

And it also includes, or it also requires that certain safeguards, including transparency, the idea of oversight is terms of the scope of our work.

[Jose Murillo, ODPa Policy Analyst] 18:10:41

And I accountability measures are set in place. Of course. And then there's data reporting.

[Jose Murillo, ODPa Policy Analyst] 18:10:49

Just to measure that there's compliance with the initial intent and that civil liberties civil rights and civil leaders are being safeguarded.

[Jose Murillo, ODPa Policy Analyst] 18:11:00

Right. So. Our role or rather the role of the police accountability board. With BMC 2 99 is that we are in essentially the review.

[Jose Murillo, ODPa Policy Analyst] 18:11:11

A body for some of these policies. The city manager whenever there will be a new surveillance technology on behalf of the police department.

[Jose Murillo, ODPa Policy Analyst] 18:11:20

Must present a surveillance use policy for each technology to the police review commission which is now of course the police accountability board before city council adopts it or essentially considers it for adoption.

[Jose Murillo, ODPa Policy Analyst] 18:11:36

The police accountability board must receive a corresponding surveillance acquisition report as well as the surveillance policy and then the use policy which will differentiate as we go later on so it's 3 documents that accompany these reviews.

[Jose Murillo, ODPa Policy Analyst] 18:11:52

These policies have to be given to the police accountability board within 30 days. Or rather the review has to be completed within a 30 days of receiving the policy.

[Jose Murillo, ODPa Policy Analyst] 18:12:03

And the board has to vote whether to accept whether to recommend approval eject to the proposal recommend modifications or take no action of course, the opposition or failure by the police accountability board to act on these policies.

[Jose Murillo, ODPa Policy Analyst] 18:12:18

Does not prevent the city manager from, proceeding with their own review and potential adoption.

[Jose Murillo, ODPa Policy Analyst] 18:12:24

Again, we're recommending body. In this regard.

[Jose Murillo, ODPa Policy Analyst] 18:12:31

So what are automatic license plate readers? Lpr systems, are essentially cameras that capture images of license plates automatically.

[Jose Murillo, ODPa Policy Analyst] 18:12:42

The images are converted into text using special software. They convert plate numbers and. They essentially capture plate numbers and compare with databases.

[Jose Murillo, ODPa Policy Analyst] 18:12:53

Of vehicles of interest. Law enforcement and other agencies use ALPRs to identify vehicles they're looking for.

[Jose Murillo, ODPa Policy Analyst] 18:13:00

When a vehicle of interest is detected the system notifies the officer through the procedures that various departments have.

[Jose Murillo, ODPa Policy Analyst] 18:13:09

So again, where do they use for? They're used for rapidly identifying and locating vehicles of interest law enforcement.

[Jose Murillo, ODPa Policy Analyst] 18:13:17

Again, they compare license plane counters with law enforcement databases, which is often referred to as sought list.

[Jose Murillo, ODPa Policy Analyst] 18:13:23

For active investigations such as missing persons stolen vehicles are stolen license place. They assess the identification of suspects, victims and witnesses by canvassing license plates near crime scenes.

[Jose Murillo, ODPa Policy Analyst] 18:13:36

And they're also used as acting as a search tool with limited information and comparing license plate. Details.

[Jose Murillo, ODPa Policy Analyst] 18:13:47

So just a bit of the legislative history. As we go into the final stages of this review. The ALPR discussion or at least some of the preliminary discussion started back in 2021 when the public safety policy committee made a budget made a recommendation for a budget referral proposing the acquisition of fixed

[Jose Murillo, ODPa Policy Analyst] 18:14:12

ALPRs on November thirtieth 2021 the budget referral was presented to the city council and it was approved by a majority of council.

[Jose Murillo, ODPa Policy Analyst] 18:14:21

The budget referral included the installation of ALPR as a strategic locations, the allocations of funds in the 2,024 fiscal year budget for and the development of a policy governing the use of ARPR policies which is what we're reviewing today.

[Jose Murillo, ODPa Policy Analyst] 18:14:36

So part of the condition was that a policy had to be developed and approved by the council before they could proceed.

[Jose Murillo, ODPa Policy Analyst] 18:14:44

On May eleventh, 2023, so about 2 years later, a little under 2 years.

[Jose Murillo, ODPa Policy Analyst] 18:14:50

Those policies were developed in their, transmitted to the police accountability board for review.

[Jose Murillo, ODPa Policy Analyst] 18:14:59

On June fifteenth after receiving those policies, the office of the director of police accountability provided a report to the police accountability board title and automatic license plate readers in the city of Berkeley, a preliminary review of proposed.

[Jose Murillo, ODPa Policy Analyst] 18:15:14

LPR policies by the office of director police accountability which was submitted to the police accountability board.

[Jose Murillo, ODPa Policy Analyst] 18:15:22

This report was primarily research of the different sources that are available. As well as some of the different policies that are currently implemented in place.

[Jose Murillo, ODPa Policy Analyst] 18:15:32

The next day the police accountability board held a special meeting to discuss the proposed LPR policies.

[Jose Murillo, ODPa Policy Analyst] 18:15:38

The board voted ultimately to object to the acquisition report and proposed and the proposed policies as presented. The police accountability board sets an objection lighter to the BPD and the city council.

[Jose Murillo, ODPa Policy Analyst] 18:15:52

Then on June twentieth, the public safety policy committee also held a special meeting. To discuss LPR.

[Jose Murillo, ODPa Policy Analyst] 18:15:59

The LPR policies and the considerations of, or rather the concerns of the police accountability board.

[Jose Murillo, ODPa Policy Analyst] 18:16:07

They voted to send the qualified positive to the city council, with condition that the board and the police department, work to address the concerns that were expressed in the board's letter.

[Jose Murillo, ODPa Policy Analyst] 18:16:19

On June 20 seventh chair more the chair of the police accountability board a board member willson sergeant widow and ODPa staff met to discuss and articulate some of the concerns of the objections of the letter.

[Jose Murillo, ODPa Policy Analyst] 18:16:33

This was not necessarily official position on the board, but it was really to set the framework for our upcoming meeting where, the board will make their, final decision, on the matter.

[Jose Murillo, ODPa Policy Analyst] 18:16:45

And then again, actually just today we received the updated policies for the board to include, in its next agenda packet.

[Jose Murillo, ODPa Policy Analyst] 18:16:59

And then of course as I stated on July 12, the board is going to convene for the regular meeting where the new ALPR policies will be discussed further and the board will further discuss further and the board will further discuss their stance on the technology.

[Jose Murillo, ODPa Policy Analyst] 18:17:13

And then of course on July 20 fifth the BPD will present its acquisition report and use policies to the full city council.

[Jose Murillo, ODPa Policy Analyst] 18:17:22

I do just want to make a note that tomorrow or it will be posting their agenda where we'll make these documents available.

[Jose Murillo, ODPa Policy Analyst] 18:17:31

Okay, director.

[Hansel Aguilar, Director of Police Accountability] 18:17:35

Thank you for that. So in In summary, what the acquisition report is as acknowledged or as representing the, ordinance.

[Hansel Aguilar, Director of Police Accountability] 18:17:44

To beMCO Ordin is the police department or the city manager has to make the case for why they want to acquire a news of surveillance technology or they want to utilize from, with the support of nearby departments.

[Hansel Aguilar, Director of Police Accountability] 18:18:01

In this case, the, Brooklyn Police Department's acquisition report, provided this, a purpose for acquiring this, surveillance technology.

[Hansel Aguilar, Director of Police Accountability] 18:18:12

They are just to also clarify, ALPRs can be, a fixed as, as our policy analysts mentioned on, vehicles at this time, it is not the department's, wish to do so.

[Hansel Aguilar, Director of Police Accountability] 18:18:27

They want to fix them at any location. So if it's a street pull street lights or other similar objects owned by the state of Berkeley or cover by right away agreement.

[Hansel Aguilar, Director of Police Accountability] 18:18:36

The AOPRs are commonly used to alert police of wanted vehicles. Or vehicles of interest entered into jurisdiction.

[Hansel Aguilar, Director of Police Accountability] 18:18:43

And the, technology is increasingly used on local freeways bridges and sometimes in private parking lot.

[Hansel Aguilar, Director of Police Accountability] 18:18:50

So this is language directly from the acquisition report which is publicly available. It has been included in our agenda packets and also in the.

[Hansel Aguilar, Director of Police Accountability] 18:18:58

City councils or public safety committee packet and feel free to contact us at any time if you want to have access to these documents.

[Hansel Aguilar, Director of Police Accountability] 18:19:08

The next slide, please.

[Hansel Aguilar, Director of Police Accountability] 18:19:12

Okay, the justification as articulated in the acquisition report, the police departments investigators, they have identified instances where the effective deployment of this technology could have helped focus on wanted vehicles and potentially prevented crimes in the city.

[Hansel Aguilar, Director of Police Accountability] 18:19:31

They noted these different categories of crime, a depth of vehicles, incidents of armed robbery. Property related crimes, homicide cases, sex, domestic violence crimes and in the acquisition

report they do provide several cases where they could have utilized this technology solve those crimes.

[Hansel Aguilar, Director of Police Accountability] 18:19:52
If you could proceed with the next slide, please.

[Hansel Aguilar, Director of Police Accountability] 18:19:56
Another element of this is the location and where will these how many and where will they be placed around the city.

[Hansel Aguilar, Director of Police Accountability] 18:20:05
The police department, proposes to install 52, ALPRs in the city of Berkeley.

[Hansel Aguilar, Director of Police Accountability] 18:20:13
Again, there's a permanent locations. They are going to be the specific locations haven't been identified yet but they will, want to solicit input from the vendor, who has not been chosen at this time, because they're in the, in the process of getting

[Hansel Aguilar, Director of Police Accountability] 18:20:34
council approval to acquire them. So if the council were to approve this technology in the city, the police department would then potentially, will, identify vendor and they want to work with that vendor to.

[Hansel Aguilar, Director of Police Accountability] 18:20:48
Look at the locations around the city where they will put these, fixed cameras in.

[Hansel Aguilar, Director of Police Accountability] 18:20:57
The impact as articulated by the police department in their acquisition report. They wanna utilize, their resources effectively as we know the city is, facing a hybrid crisis, hiring a retention crisis and not only in the police department or across many departments.

[Hansel Aguilar, Director of Police Accountability] 18:21:17
If you haven't looked at the city auditors, recent report, that gives you good context of the current state of the city right now in terms of hiring and retention.

[Hansel Aguilar, Director of Police Accountability] 18:21:27
But one of the One of the ways that police departments not just, the Brooklyn Police Department, but other departments around the country have been able to overcome some of these challenges in in personnel is through the adoption of these technologies which is what the department proposes here.

[Hansel Aguilar, Director of Police Accountability] 18:21:47
They do recognize the department the need to protect ownership and patrol over shared information and protect the privacy and civil liberties of the public in accordance with federal state law.

[Hansel Aguilar, Director of Police Accountability] 18:21:58

And also, noted, in the, acquisition report that the units will help to prevent unauthorized there will be procedures in place that help prevent unauthorized use of the data the procedures will ensure that data is not used in any way that would violate or a upon any more

[Hansel Aguilar, Director of Police Accountability] 18:22:19
civilized inner liberties, including but not limited to potentially desperate for adverse impacts on any community groups. And again, this is language from the acquisition report.

[Hansel Aguilar, Director of Police Accountability] 18:22:28
You can proceed with the next slide.

[Hansel Aguilar, Director of Police Accountability] 18:22:32
Okay, so there are 2 in addition to the proposed the acquisition report there are 2 policies that the department has drafted.

[Hansel Aguilar, Director of Police Accountability] 18:22:43
There it's what will fall on the directions for the officers at the street level in any of the.

[Hansel Aguilar, Director of Police Accountability] 18:22:52
Operators of this technology and then there is the other policy that provides more of the, articulation that is legally required, for this use of technology.

[Hansel Aguilar, Director of Police Accountability] 18:23:05
But policy, BPD, POSI, 4 22, in the purpose of this policy is to provide guidance for the capture storage and usage of the digital data obtained through use of ALPR technology department personnel shall adhere to the requirements of fix ALPRs in this policy as well as corresponding surveillance use

[Hansel Aguilar, Director of Police Accountability] 18:23:24
fix AOPR policy 1305 and could advance to the next slide please. Okay, so the The other policy that is.

[Hansel Aguilar, Director of Police Accountability] 18:23:38
Attached to the this surveillance technology policy is 1305 and the purpose of that policy is to provide guidance.

[Hansel Aguilar, Director of Police Accountability] 18:23:47
Again, very similar language, but this one is to ensure that it is meeting. The legal requirements both.

[Hansel Aguilar, Director of Police Accountability] 18:23:54
At the state level, federal level, but also in compliance with any, Berkeley, or Berkeley, local laws in the.

[Hansel Aguilar, Director of Police Accountability] 18:24:07
We get it.

[Hansel Aguilar, Director of Police Accountability] 18:24:10
Okay.

[Jose Murillo, ODPa Policy Analyst] 18:24:12
Okay, so as we noted earlier, at their June sixteenth meeting, The police accountability board voted to write.

[Jose Murillo, ODPa Policy Analyst] 18:24:23
To the public safety policy committee as well as the city council and the Berkeley Police Department to express their concerns about the policies that were proposed to the board.

[Jose Murillo, ODPa Policy Analyst] 18:24:32
There's 4 primary areas that the board was concerned about, and that they had an opportunity to address to the public safety committee.

[Jose Murillo, ODPa Policy Analyst] 18:24:39
The first one was of course, the concerns over civil liberty protections. The proposed acquisition report and the, or as the board stated, the proposed acquisition report and policies need to be need to provide stronger safeguards and assurances for protecting civil liberties and privacy rights.

[Jose Murillo, ODPa Policy Analyst] 18:24:58
The PAB emphasizes the importance of ensuring that the acquisition and use of ALPRs do not infringe upon the rights of individuals in the community.

[Jose Murillo, ODPa Policy Analyst] 18:25:07
The second concern was that there's lack of empirical support or data. The police accountability board as they stated has noted a lack of empirical evidence or data demonstrating the effectiveness of that technology and achieving its intended goals within the City of Berkeley while acknowledging the reported increase in crimes in specific categories, the

[Jose Murillo, ODPa Policy Analyst] 18:25:28
PAB highlights the need for an analysis of comparable jurisdictions with their without this technology to the terminus potential effectiveness.

[Jose Murillo, ODPa Policy Analyst] 18:25:37
Solid evidence is crucial before moving forward with the acquisition to ensure it's significant contribution to solving crime investigations and enhancing public safety.

[Jose Murillo, ODPa Policy Analyst] 18:25:46
So again, those were just 2 of the 4 and I'll proceed to the next 2.

[Jose Murillo, ODPa Policy Analyst] 18:25:52
There is also concerns about the true cost. In their letter the board noted that rather the police accountability board state that it has expressed concerns about the true cost of associated with the technology included potential hidden costs, maintenance expenses, and long-term financial commitments.

[Jose Murillo, ODPa Policy Analyst] 18:26:13

It is imperative to have a comprehensive understanding of the financial implications and ensure that the benefits outweigh the cost.

[Jose Murillo, ODPa Policy Analyst] 18:26:21

And then lastly the last concern that was noted was the lack of completeness of acquisition report and the proposed policies.

[Jose Murillo, ODPa Policy Analyst] 18:26:29

And again in their letter they stated the proposed policies require further clarity, collaboration, and editing, specifically the PAB cause for a clear outline of the intended use of the data retention periods access controls and measures to protect against potential misuse or unauthorized access.

[Jose Murillo, ODPa Policy Analyst] 18:26:47

The inclusion of more information about minimum training requirements for the users of the technology is also requested. So again, these were the analysis that was, Initially provide these this was in response to the initial policies that were provided to the board and have been workshop with the department to an extent.

[Jose Murillo, ODPa Policy Analyst] 18:27:07

The board has not taken, official position just yet in terms of the ALPR policies, but these were just their initial analysis.

[Jose Murillo, ODPa Policy Analyst] 18:27:17

And that they'll continue at the next meeting on. July twelfth.

[Jose Murillo, ODPa Policy Analyst] 18:27:25

Okay. Okay, so we've reached the end of our presentation. We're very conscious to allow time.

[Jose Murillo, ODPa Policy Analyst] 18:27:34

For folks to provide their input. As I noted at the start of the presentation the way that we will be.

[Jose Murillo, ODPa Policy Analyst] 18:27:44

With this is that we'll be looking at the QA list first to see if there are any questions there that haven't been answered.

[Jose Murillo, ODPa Policy Analyst] 18:27:48

We have been monitoring and we see that there's a few comments there. That wants to be for the record and we assure you that they will Well, we'll then open it up to live questions.

[Jose Murillo, ODPa Policy Analyst] 18:27:58

Again, we do have a good amount of participants here joining us today. And we do have a few hands raised so we'll make sure to, give enough time for folks to express their comments.

[Jose Murillo, ODPa Policy Analyst] 18:28:08

And then we'll end up with any closing comments, as we move forward to the next steps.

[Jose Murillo, ODPa Policy Analyst] 18:28:14

So with that said, we'll just take a few minutes to look over the QA.

[Jose Murillo, ODPa Policy Analyst] 18:28:17

Again if you don't necessarily wish to speak but you still wanna answer your question that's a great or ask a question.

[Jose Murillo, ODPa Policy Analyst] 18:28:23

It's a great tool.

[Hansel Aguilar, Director of Police Accountability] 18:28:27

And, could you please put the, community agreements? Just as a reminder to guide us as we engage in this conversation.

[Jose Murillo, ODPa Policy Analyst] 18:28:28

Okay.

[Jose Murillo, ODPa Policy Analyst] 18:28:37

Yes.

[Hansel Aguilar, Director of Police Accountability] 18:28:37

And I do want to, if I may, and just make sure that we're communicating effectively the board position at this moment.

[Hansel Aguilar, Director of Police Accountability] 18:28:48

It was to object the the acquisition report and the policies as presented they have sought, they have provided guidance to the police department and we did receive, a response to some of the the concerns that were raised by the board, those responses were provided today by the police department.

[Hansel Aguilar, Director of Police Accountability] 18:29:11

They will be in the agenda packet and the board will further discuss their stance based on this new information and the address and the concerns that have already, been brought forth by the police accountability board.

[Jose Murillo, ODPa Policy Analyst] 18:29:27

Okay. And then we just, I'll start with the QA questions. The first question that I have and it's more of a procedural aspect on our end.

[Jose Murillo, ODPa Policy Analyst] 18:29:39

Our closing comments going to be from attendees or from the PAB. So we will go ahead director.

[Hansel Aguilar, Director of Police Accountability] 18:29:49

So I do wanna just say that we are our assistant the board in this process this is not a board meeting per se so the comments that we would the office will make as we facilitate this in procession will not necessarily be representations of the board.

[Hansel Aguilar, Director of Police Accountability] 18:30:09

We do have individual board members and we have a lot of community members logged in. And they're more than welcome to make any comments, throughout this discussion, but I do want to make sure that we're communicating that effectively that this is not necessarily a event that's host being hosted by the Police Accountability

[Hansel Aguilar, Director of Police Accountability] 18:30:27

Board, but rather by the office in our capacity as the administrative support of the board.

[Jose Murillo, ODPa Policy Analyst] 18:30:37

Okay, so quite a few questions.

[Jose Murillo, ODPa Policy Analyst] 18:30:42

Oh, and there's a clarifying question as to that. Do attendees have a chance to make comments. I only ask specific questions. Yes, you will have the opportunity to make comments.

[Jose Murillo, ODPa Policy Analyst] 18:30:55

When we get to the live questions aspects of it. My apologies if we weren't clear with that.

[Jose Murillo, ODPa Policy Analyst] 18:30:58

But yes, you will be allowed to either ask a question or make a comment. Okay, so the next question is, so what is the estimated cost of performing the case control studies that the PAB and the case is needed to inform this proposal.

[Jose Murillo, ODPa Policy Analyst] 18:31:14

How do these costs compare to the program cost?

[Hansel Aguilar, Director of Police Accountability] 18:31:19

So that's great question. Another disclaimer in this conversation. There's some questions that may be beyond the scope of what we, intend to do tonight.

[Hansel Aguilar, Director of Police Accountability] 18:31:28

We will register any questions and we'll try to follow up with any community member. That has a more targeted question that's gonna require more research.

[Hansel Aguilar, Director of Police Accountability] 18:31:37

But feel free again to register your questions and comments. The goal here is to receive input so the board can make informed decisions in their recommendations.

[Jose Murillo, ODPa Policy Analyst] 18:31:52

The next question is will BPD have a contractor actually operating the cameras collecting the data, etc.?

[Hansel Aguilar, Director of Police Accountability] 18:32:03

So it is the, in the acquisition report and the policies they do describe the logistics and the mechanics by which.

[Hansel Aguilar, Director of Police Accountability] 18:32:12

The operators will be able to utilize this. So, there are, there will be officers if the department, is approved to have this technology.

[Hansel Aguilar, Director of Police Accountability] 18:32:25

The vendor will then provide training. There will also be some training to ensure legal compliance and the operators, that are trained to utilize the technology would be able to access the databases.

[Hansel Aguilar, Director of Police Accountability] 18:32:38

In that. Yeah, where the license plates, are being, kept and be able to access that information.

[Hansel Aguilar, Director of Police Accountability] 18:32:46

So there is a training component that's being provided by the vendor, but also by different, different, components like the legal requirements that will be necessary to ensure compliance with this technology.

[Jose Murillo, ODPa Policy Analyst] 18:33:01

Then the next question you've briefly touched on, Director, will I be Pd department officials have access to the surveillance data.

[Hansel Aguilar, Director of Police Accountability] 18:33:10

As the policy and acquisition report currently reads, it will be individuals that are trained on this. Department.

[Hansel Aguilar, Director of Police Accountability] 18:33:19

It is not. My understanding that all of department members will necessarily be trained on this, but anybody that Does utilize the technology will be trained on it.

[Jose Murillo, ODPa Policy Analyst] 18:33:35

Then this is a set of 3 questions. But they all relate. So in regards to the data, will it be shared with other law enforcement agencies and our private organizations?

[Jose Murillo, ODPa Policy Analyst] 18:33:47

How many wrong arrests have been made using ALPR technology. Is there data to support the claim that ALPR does in fact solve crime.

[Hansel Aguilar, Director of Police Accountability] 18:33:57

So then those are great questions in terms of sharing. Those are the sort of, nuances that I think the board was.

[Hansel Aguilar, Director of Police Accountability] 18:34:06

I'm very concerned about it making sure that the language is clear on that if there is a legal requirement for the department, to share any, information like a subpoena is provided to the department, then that would need to be considered.

[Hansel Aguilar, Director of Police Accountability] 18:34:22

But there was also a conversation at the Public Safety Committee. What role, will the department and or our city attorney office play in potentially quashing any subpoenas that would potentially contradict our current policies and or audiences within the city.

[Hansel Aguilar, Director of Police Accountability] 18:34:42

So there is some element where there may be sharing, with other law enforcement agencies. There is, No, to my knowledge and, please correct me, Mr. Mario.

[Hansel Aguilar, Director of Police Accountability] 18:34:55

Is there any intention of sharing this information with private organizations. If we don't have that information, we certainly get back to community member.

[Jose Murillo, ODPa Policy Analyst] 18:35:03

We can certainly get back, but our other standing with the conversations that the board had at the special meeting.

[Jose Murillo, ODPa Policy Analyst] 18:35:10

And at the policy, committee by on behalf of council. Private organizations are not being contemplated.

[Jose Murillo, ODPa Policy Analyst] 18:35:18

There's a big emphasis that the policy, there's a big emphasis within the policy that the data wouldn't be shared without outside agencies.

[Jose Murillo, ODPa Policy Analyst] 18:35:27

They specifically drop and this isn't necessarily private agency, but more of a federal agency with ICE or other federal agencies for those enforcement matters.

[Jose Murillo, ODPa Policy Analyst] 18:35:37

Again, you noted, previously in terms of whether, they're legally obligated to, is a different question that has to be considered on a case by case basis.

[Jose Murillo, ODPa Policy Analyst] 18:35:48

But again, the BPD at least has written through the policy in the recent conversations, expresses that the information won't be shared with other agencies again, unless there's legal obligation to do so.

[Jose Murillo, ODPa Policy Analyst] 18:36:02

Okay, so we do have a few more questions that trickled in.

[Jose Murillo, ODPa Policy Analyst] 18:36:09

And I will. Okay.

[Jose Murillo, ODPa Policy Analyst] 18:36:17

So this question says, will ALPR be provided to the police to help identify automobiles nearby the locations at times of crimes reported to the BPD.

[Hansel Aguilar, Director of Police Accountability] 18:36:33

I'm sorry, I'm trying to look for. We have questioning.

[Jose Murillo, ODPa Policy Analyst] 18:36:37

It's towards the

[Hansel Aguilar, Director of Police Accountability] 18:36:41

What's the time stamp on it?

[Jose Murillo, ODPa Policy Analyst] 18:36:43

6 34.

[Hansel Aguilar, Director of Police Accountability] 18:36:49

We provide to to the police. To help identify automobiles nearby the locations at times when crimes reported to the BPD.

[Hansel Aguilar, Director of Police Accountability] 18:36:58

So the way the technology works, they if there is. A license plate or a vehicle of interest they could potentially answer that into the database and that would then, potentially, if that vehicles identified in one of the other fixed cameras, a woman around the city, it can give a hit for the officer to be able to flag

[Hansel Aguilar, Director of Police Accountability] 18:37:20

it as a vehicle of interest. There are other legal thresholds that the department must the officers must be able to satisfy before any enforcement action is taking place.

[Hansel Aguilar, Director of Police Accountability] 18:37:34

So they would need to have reasonable suspicion and probable cause to pursue. Any further action, even if they have a hit of a vehicle license plate.

[Jose Murillo, ODPa Policy Analyst] 18:37:50

Okay, the other question that came in around that time is will the operators who have access to data be bonded and have to take an oath to confidentiality?

[Hansel Aguilar, Director of Police Accountability] 18:38:01

So the operators of the of the technology they are there's language within the policies. Regarding the privacy implications of this data and also they are there's language regarding any repercussions for the unlawful or impermissible use of this technology.

[Hansel Aguilar, Director of Police Accountability] 18:38:22

So they do have to ensure that they're complying with current, oaths of office that they have as officers or operators.

[Jose Murillo, ODPa Policy Analyst] 18:38:31

And then you briefly touched on this next question. But the question is, 10 officers asked for the trained officers to retrieve data from the ALPR database and provide it to them.

[Hansel Aguilar, Director of Police Accountability] 18:38:44

Then those are their, great logistical questions. So if that is part of an investigative procedure, the individual that is seeking or is access in the database would have to be trained.

[Hansel Aguilar, Director of Police Accountability] 18:38:58

The operator would need to consider whether a fellow officer or a person within the department seeking information is doing it for lawful purposes.

[Hansel Aguilar, Director of Police Accountability] 18:39:11

So there would need to be a discussion there. Why are you accessing the data? And have that conversation.

[Hansel Aguilar, Director of Police Accountability] 18:39:16

But that, is, I think, one of the the logistical questions of how this looks in real life when you have so the department officers or department employees are trained and others that aren't.

[Hansel Aguilar, Director of Police Accountability] 18:39:34

So that is something that needs to be contemplated further.

[Jose Murillo, ODPa Policy Analyst] 18:39:39

Okay.

[Jose Murillo, ODPa Policy Analyst] 18:39:42

Next question is what example of civil liberties that will be impacted by implementing these cameras and are there reports that this happens in other cities?

[Jose Murillo, ODPa Policy Analyst] 18:39:53

Where this has been implemented.

[Hansel Aguilar, Director of Police Accountability] 18:39:57

And if you can go back to. The slide we got in the boards. There is an articulation there about the board's concerns.

[Hansel Aguilar, Director of Police Accountability] 18:40:09

With civil liberties And when we're talking about amassing the data like this, there's always implications on privacy and how will this data be used and how will it be protected.

[Hansel Aguilar, Director of Police Accountability] 18:40:23

Where it's not just a license plate itself which is in public view and this not necessarily.

[Hansel Aguilar, Director of Police Accountability] 18:40:28

Expectation of privacy would your license pay per se, but you had, what an important, considerations here is that the, the technology allows for the tracking of movement.

[Hansel Aguilar, Director of Police Accountability] 18:40:40

So the, ALPR data could potentially indicate if you have 52 cameras around the city the movements of a particular license way throughout.

[Hansel Aguilar, Director of Police Accountability] 18:40:50

The city and that is the civil liberty component of this And we have to ensure that we're utilizing this technology in a judicious manner.

[Jose Murillo, ODPa Policy Analyst] 18:41:02

And thank you. Okay, and I'll get to some of the questions now from folks that haven't.

[Jose Murillo, ODPa Policy Analyst] 18:41:10

Have their question and, answer just yet. This question states where will the information reside on locally controlled servers or on the server of the provider.

[Jose Murillo, ODPa Policy Analyst] 18:41:21

And I'll just tie this in with another question that was asked in. Which kind of ties in since we don't have a vendor, how can you guarantee they'll comply with the COB surveillance policy and data sharing.

[Jose Murillo, ODPa Policy Analyst] 18:41:36

I think. Sorry, I connected those 2 questions because in a way they sort of, answer each other in one way or the other.

[Jose Murillo, ODPa Policy Analyst] 18:41:48

At this time we don't necessarily again because there isn't a vendor. We don't know the specific way that the data will be stored.

[Jose Murillo, ODPa Policy Analyst] 18:41:58

There's talks with them the department from what we've been informed. That they're looking more at a cloud based.

[Jose Murillo, ODPa Policy Analyst] 18:42:06

Platform as many of the vendors offer that service it's supposed to be more cost effective than storing large amount of data locally.

[Jose Murillo, ODPa Policy Analyst] 18:42:15

And that's in terms of answer that question. And then again, to the previous question about how could we guarantee they follow Bp's policy.

[Jose Murillo, ODPa Policy Analyst] 18:42:23

It is also our understanding that vendors tailor the product to the specific city and their policy.

[Jose Murillo, ODPa Policy Analyst] 18:42:35

Okay. So again, we won't be able to get through all of our questions today in terms of the QA, but we will get back to them as many as we can.

[Jose Murillo, ODPa Policy Analyst] 18:42:45

We're gonna move on to the live comment just because we do have a good amount of folks waiting to provide their comment there.

[Jose Murillo, ODPa Policy Analyst] 18:42:52

So again, we see in here your questions. They are part of our record.

[Jose Murillo, ODPa Policy Analyst] 18:42:58

Just for the interest of time, we're gonna move on to live comment. You're more than free to participate there as well.

[Jose Murillo, ODPa Policy Analyst] 18:43:07

Okay.

[Jose Murillo, ODPa Policy Analyst] 18:43:13

Okay, one moment.

[Jose Murillo, ODPa Policy Analyst] 18:43:21

Okay. So John Cannon, you're being granted permission to speak. We're asking you folks to try to limit their comment for 2 to 3 min at most just because we do have.

[Jose Murillo, ODPa Policy Analyst] 18:43:34

A good amount of folks. So we'll go ahead and give you that permission.

[Jose Murillo, ODPa Policy Analyst] 18:43:40

Again, John.

[John Caner] 18:43:43

Yes, thank you. I'm John Kayner. In my day job, I'm CEO of the downtown Berkeley Association.

[John Caner] 18:43:50

But I'm not speaking on our but on that behalf because our board hasn't had a chance to win on this.

[John Caner] 18:43:57

I'm speaking. As a neighbor and on a on a personal level my husband and i live 3 blocks from the police department.

[John Caner] 18:44:06

And since the beginning of the year, we've had 2 carjackings within a block of our house.

[John Caner] 18:44:11

We've had a student. Badly beaten and robbed. 3 blocks where we've had a 70 year old woman who was, who was attacked and robbed and we're not feeling safe in our neighborhood.

[John Caner] 18:44:28

We fully support automated license plates readers. We need to discourage criminals from committing crimes in Berkeley and we need to provide BPD the pool the tools that they need to apprehend.

[John Caner] 18:44:42

Folks who engage in criminal criminal activity. So, please, please, please, fully support this.

[John Caner] 18:44:50

And, thank you very much. Bye.

[Jose Murillo, ODPa Policy Analyst] 18:44:53

Thank you.

[Jose Murillo, ODPa Policy Analyst] 18:44:59

Okay. So we will now go on to Sagar Jitani and I apologize if I'm pronounced any names in advance.

[Jose Murillo, ODPa Policy Analyst] 18:45:09

But, you should have permission to speak now.

[Sagar Jethani] 18:45:13

Thank you. You know, 3 years ago the city council voted to reimagine policing. Part of that overhaul was this idea that police shouldn't be conducting routine traffic stops because of racially disparate outcomes.

[Sagar Jethani] 18:45:25

So the preferred solution, creating a Department of Transportation was blocked on other grounds, legal grounds.

[Sagar Jethani] 18:45:30

You fast forward to today. As John was just saying, we're in the midst of a significant increase in crime in Berkeley, especially violent crime like what he described.

[Sagar Jethani] 18:45:39

We're seeing residents held up a gun point by criminals riding into town from other communities, dramatic number of carjackings and other violent crimes involving vehicles.

[Sagar Jethani] 18:45:48

You know, the goal was to reimagine policing, not abolish it. Licensed by readers are an easy, cost effective solution.

[Sagar Jethani] 18:45:57

One that's used by thousands of other communities around the country. I'm sure you guys know the stat but nearby Vacaville saw a 33% decrease in auto theft.

[Sagar Jethani] 18:46:05

And a 35% increase in arrests. After installing LPRs. Meanwhile, here in the city of Berkeley.

[Sagar Jethani] 18:46:13

We've seen a 43% increase in auto thefts over just the past 6 months.

[Sagar Jethani] 18:46:18

You know, it's time to get behind this. Reasonable measure. There's perception that sometimes the PAB will block whatever it is the police department wants.

[Sagar Jethani] 18:46:26

This is a great chance to prove those critics wrong. The concerns that are raised are perfectly reasonable. But I think that those concerns have been addressed.

[Sagar Jethani] 18:46:34

By the Berkeley Police Department and I'm hoping that people can get behind this and we can start getting a lid on reducing violent crime in Berkeley.

[Sagar Jethani] 18:46:43

Thanks so much.

[Jose Murillo, ODPa Policy Analyst] 18:46:44

Thank you.

[Jose Murillo, ODPa Policy Analyst] 18:46:51

Ted Sagenar, you haven't. A lot permission to speak.

[Kitt Saginor] 18:46:55

Hi, my name is Kit Sagar. I'm really concerned about effectiveness. And whether or not, and it appears not that ALPRs will actually help in the prevention of crime.

[Kitt Saginor] 18:47:07

And then there's several different aspects to this. I'll try to be brief. One, issue actually is the an error rate and some of that error rate.

[Kitt Saginor] 18:47:17

I don't know what the cause of it is, but it means that people who are not committing a crime can in fact get in trouble and put put on the hot list and so forth.

[Kitt Saginor] 18:47:26

One issue I know that it just that it contributes the error, the error rate is people actually altering their license plates.

[Kitt Saginor] 18:47:32

You really need to find out what's happening in New York City at this point. In New York City, there's this huge rash of plates being altered or false plates being particularly false paper plates

being being put on cars even by people who are otherwise law-abiding in order to defeat parking tickets and highway

[Kitt Saginor] 18:47:53

tolls. So APR, ALPR technology becomes rather ineffective if all the people you're trying to catch are obscuring or changing their plates.

[Kitt Saginor] 18:48:04

The the strategies for defeating LPRs are already known to criminals and who already use it.

[Kitt Saginor] 18:48:11

It's you're foolish if you think that criminals will not adapt to a increase in ALPR technology in terms of car theft.

[Kitt Saginor] 18:48:21

Criminals can switch license plates with a parked car. They can use counterfeit plates.

[Kitt Saginor] 18:48:26

They can steal a car. It you know 10 pm complete their crimes during the night and dump the car before the owner has realized in the morning that the car is missing and reported is stolen.

[Kitt Saginor] 18:48:39

Particularly swapping plates is is something that it can go for without detection for some time.

[Kitt Saginor] 18:48:46

Most people, if they go out in the morning, will not notice that the license played on their car is not the same license plate that was on it yesterday.

[Kitt Saginor] 18:48:52

So it can be quite some time before a stolen license place gets reported. Meanwhile, the person who the legitimate owner of a car is driving around with a stolen plate on their car that was put on their car by the thief.

[Kitt Saginor] 18:49:06

And so that causes even more problems. What we really need is prevention of crime and particularly in the case of vehicle theft.

[Kitt Saginor] 18:49:14

There are ways to look at where the thieves are, what's happening with the thefts and to look into that.

[Kitt Saginor] 18:49:21

It was just mentioned that there was a 43% in auto thefts in Berkeley just recently.

[Kitt Saginor] 18:49:27

The largest part of that increase in fact I think the entire increase was caused by increased theft of Kias and Hyundai.

[Kitt Saginor] 18:49:35

I'm not sure how to pronounce that, which apparently we're sold with the defective technology making them so easy to steal that you can look at a YouTube video and go steal a car in 15 min or less.

[Kitt Saginor] 18:49:46

The other type of car that's easy to steal our Honda Civics and Honda Accords that are 20 years old or older.

[Kitt Saginor] 18:49:55

Once you know which cars are the ones that, and this is not just, Berkeley throughout the state of California, the statistics from the California Highway Patrol show that 31% of the automobiles stolen in California in 2022 were the Kia's Hayonda, Hyundai's.

[Kitt Saginor] 18:50:14

or old Hondas. So for prevention, right, fix the software, pressure the companies to fix the software on the newer cars and on the older cars those the owners of those cars can be provided with information and resources about protecting their vehicles, perhaps even including a program to help them obtain low-cost trackers to hide

[Kitt Saginor] 18:50:35

in their cars and that way it will be easier to find those particular cars if they're stolen. And if you can cut down considerably on the theft of those cars you will have actually prevented prevented in advance from its happening a lot of vehicle theft.

[Kitt Saginor] 18:50:51

And I think some of the other things that involve tracking a vehicles need to be looked at the same way.

[Kitt Saginor] 18:50:57

So that you can do, we can, the city should be doing prevention rather than trying to chase after them with ALPRs at which point the criminals just adjust their their methods so as to make your ALPR readers rather not very helpful for finding particularly those cars that are involved with commission of a crime.

[Kitt Saginor] 18:51:19

Thank you very much and and please also look as I said at the error rate for ALPR readers.

[Kitt Saginor] 18:51:25

Thank you.

[Jose Murillo, ODPa Policy Analyst] 18:51:27

Thank you.

[Jose Murillo, ODPa Policy Analyst] 18:51:33

Okay, just one moment.

[Jose Murillo, ODPa Policy Analyst] 18:51:38
Okay.

[Jose Murillo, ODPa Policy Analyst] 18:51:43
Mari Mendesa you should be allowed to speak now.

[Mari Mendonca] 18:51:48
Okay, hello. Hi. Okay, great. Thank you.

[Jose Murillo, ODPa Policy Analyst] 18:51:50
Yes, we could hear you.

[Mari Mendonca] 18:51:53
Good evening and I appreciate all the work. I wanna thank you both for presenting this evening and allowing an opportunity for.

[Mari Mendonca] 18:51:59
Community to chime in and thank you for all your work and trying to be thorough and how you're looking at all of the aspects.

[Mari Mendonca] 18:52:06
That the considerations will, or have the potential to affect the entire diverse community. One of the Most interesting things that I think we all have to Continue to remind ourselves.

[Mari Mendonca] 18:52:22
And I think Kit's point about criminals adopting 2 roles and even the fact that we have all kinds of laws and rules.

[Mari Mendonca] 18:52:29
And people committing crime even still that we have those laws. In rules and even cameras and whatnot.

[Mari Mendonca] 18:52:36
Crime, is typically and acted and especially in a society where there's much, much foundational and systemic injustice.

[Mari Mendonca] 18:52:47
You know, and we always look at crime as pointing the finger at people being criminal. But the initial crime in our society is in equity, right?

[Mari Mendonca] 18:52:56
It's predatory capitalism. It's the way that that we marginalize people with the least and keep them pinned down in a place of no return, right?

[Mari Mendonca] 18:53:07

Currently our economy has gotten to the place where people cannot afford to live. We can't afford the apartments.

[Mari Mendonca] 18:53:13

The percentages in terms of how we define even affordable housing is not accurate because we take in the highest earners in our community to the lowest.

[Mari Mendonca] 18:53:24

And so when we find a median, it doesn't even, it doesn't even, support or help.

[Mari Mendonca] 18:53:29

Low income extremely low income because we're looking at at this vast difference of folks in our community.

[Mari Mendonca] 18:53:37

So, it's really important also to look historically at how police Surveve, has been used in racial profiling and discrimination.

[Mari Mendonca] 18:53:50

And like I said, when colonizers came to the community and came to this continent.

[Mari Mendonca] 18:53:56

It's the similar kind of propaganda that we're hearing now. Right. It's It's making criminals out of the folks who are not.

[Mari Mendonca] 18:54:05

Conforming or the folks who are not determining and defining what is, the. Society that is creating all the rules, right?

[Mari Mendonca] 18:54:19

Roles and regulations and systems for which that society is going to operate. And we are in a dangerous moment now because you can see that this is paralleling exactly that same kind of tactic we have folks who are coming in, they're grabbing land, they're, you know, people who can afford the high price.

[Mari Mendonca] 18:54:37

And inflation of the cost of housing, which should be a human right constitutionally when we go back to what we said at the beginning in terms of life liberty and the pursuit of happiness, housing is a human right.

[Mari Mendonca] 18:54:48

Housing is something that should not be commodified and we just excuse the market in the commodification of it to be fine with creating homelessness.

[Mari Mendonca] 18:54:57

Seniors are going to be the next big wave of homeless people and are we just gonna just turn our cheek and just say oh it's the economy and it's their fault. We have to take responsibility.

[Mari Mendonca] 18:55:06

We are in a day and age where we have so much information. We have information, we have history.

[Mari Mendonca] 18:55:13

My son is studying in high school my youngest son all this history and they talk about the bourgeoisie they talk about all these times in history where we've seen this exact same tactic.

[Mari Mendonca] 18:55:22

Being used to criminalize communities and you know use and extract and take whatever the powers that be want to come and extract.

[Mari Mendonca] 18:55:34

Whether it's land, whether it's resources, whether it's slave labor, whatever it is.

[Mari Mendonca] 18:55:39

So we have a responsibility as human beings, supposedly the most intelligent creature on the planet Earth. To have some integrity to set practice humanity.

[Mari Mendonca] 18:55:52

To understand that it is the structure and the foundation of white supremacy and the society and the culture that we live in.

[Mari Mendonca] 18:56:02

That is not, we're not fighting crime people. You know, we are looking at things that are harming.

[Mari Mendonca] 18:56:10

The community, we're harming people. We're harming the planet. We're harming everything.

[Mari Mendonca] 18:56:14

We need to have a holistic. And truthful approach to how we are going to address equity and injustice and terrorism really, that, is just rampant.

[Mari Mendonca] 18:56:30

It's not just here, it's global. So. I appreciate the work that's going into this, you know, the other thing I will just add on, you know, you at the beginning you said.

[Mari Mendonca] 18:56:39

That to have an open mind right include diverse perspectives and that this conversation and art and theoretically all of our conversations with counsel and elected are to inform and shape their decisions.

[Mari Mendonca] 18:56:53

But what I've witnessed is that there are particular agendas that support other agendas and the folks who usually control those are the people with the most wealth and power because they have the most voice and influence.

[Mari Mendonca] 18:57:04

And so, we actually aren't having robust conversations. We actually aren't including diverse perspectives.

[Mari Mendonca] 18:57:12

We actually aren't including the truth of all the different people in our community. We are protecting the civil liberties of all people.

[Mari Mendonca] 18:57:19

So we need to step that up. We need to be accountable. We need to be honest, we need to be truthful and and really do engage in the way that that you had presented at the beginning, right?

[Mari Mendonca] 18:57:29

True open mind, true inclusivity. Inclusivity, true diverse perspective, true harmony humanity and love.

[Mari Mendonca] 18:57:39

And I think, The folks who are talking about reimagining public safety, there nothing has been implemented.

[Mari Mendonca] 18:57:44

The community has had a beautiful vision and some community members actually have taken their personal time to do training to do with people who are going through mental health crisis so that as a community member they are having training to step in and do something that's more peaceful that's more mindful that's more based in humanity to deal with those

[Mari Mendonca] 18:58:02

things. We haven't seen any of that implemented by the promises and the people who have campaigned for that.

[Mari Mendonca] 18:58:08

We haven't seen that implemented. So we should not, you know, be careful about attacking that because no one's even really tried that yet.

[Mari Mendonca] 18:58:15

And again, thank you for the opportunity to speak and to share and for, you know, including us in the conversation this evening.

[Hansel Aguilar, Director of Police Accountability] 18:58:22

Thank you. Mr. Mario, could we, put a timer or at least, not a visual one, then have a one.

[Hansel Aguilar, Director of Police Accountability] 18:58:33

Chime up. We do have a few more members in committee. I wanna engage and we are. At this time.

[Hansel Aguilar, Director of Police Accountability] 18:58:39

Going to be going to 7 30 so we wanna make sure that will budget in time accordingly.

[Hansel Aguilar, Director of Police Accountability] 18:58:45

Yeah, and the screen to, then at least just have, the timer go off at the 2 min mark.

[Jose Murillo, ODPa Policy Analyst] 18:58:46

Yes, one moment.

[Jose Murillo, ODPa Policy Analyst] 18:58:54

Yes, one moment.

[Hansel Aguilar, Director of Police Accountability] 18:58:56

Okay, and while you're doing that, I'll go ahead and allow the next speaker.

[Hansel Aguilar, Director of Police Accountability] 18:59:04

Miss.

[Ms. Omowale Fowles] 18:59:07

Yes, thank you very much. I appreciate the time that the Accountability group has giving us, I wanted to be sure that you are.

[Ms. Omowale Fowles] 18:59:17

Focused on not only our rights as civilians. And our human rights but also a question that was asked earlier.

[Ms. Omowale Fowles] 18:59:27

Was whether or not the cars of interest. Would be. If they were if they were parked somewhere in somebody's neighborhood and this was a neighborhood that didn't have.

[Ms. Omowale Fowles] 18:59:41

Off street parking where you have residents. Parked in front of their homes. Would the license plates?

[Ms. Omowale Fowles] 18:59:48

Of the neighbors who are parked in front of their homes also be put through the data ringer with the car of interest.

[Ms. Omowale Fowles] 18:59:58

And that question was not answered directly. There was something about training and something about something else, but we didn't we didn't hear whether or not the rights of the people.

[Ms. Omowale Fowles] 19:00:07

Who own the house or the house is or the neighborhood. Who have to park on the street. We're going to be violated by the license plate readers.

[Ms. Omowale Fowles] 19:00:17

I would like to have that question answered by your by your staff. Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:00:22

Jose, were you able to get the, Okay. Okay, and I do wanna, just address that and it wasn't my intention to avoid that question.

[Jose Murillo, ODPa Policy Analyst] 19:00:25

Yes.

[Hansel Aguilar, Director of Police Accountability] 19:00:34

I, there are some logistical questions and how this technology is going to be used. Some investigative logistics that it's not clear to our office or to the board at this moment.

[Hansel Aguilar, Director of Police Accountability] 19:00:46

In general though if there's a vehicle of interest the police department can answer that into the database.

[Hansel Aguilar, Director of Police Accountability] 19:00:52

Again, they will still need to meet legal established legal thresholds to take community, to take, any enforcement action, but, I, and I apologize if I attempted to answer that question earlier and didn't do it.

[Hansel Aguilar, Director of Police Accountability] 19:01:05

We're satisfaction, but I can definitely register that question and then follow up with the police department if so they can provide work guidance or clarity on that particular matter.

[Hansel Aguilar, Director of Police Accountability] 19:01:21

Would be good. Go on to the next speaker.

[Jose Murillo, ODPa Policy Analyst] 19:01:24

Okay.

[Jose Murillo, ODPa Policy Analyst] 19:01:29

Jp, you have been granted permission to speak.

[JP] 19:01:34

Can you hear me? Okay. First I'd like to comment that the first caller, the crime is that the first caller were was concerned about.

[Jose Murillo, ODPa Policy Analyst] 19:01:36

Yes.

[JP] 19:01:48

That the. The setup of the APLRs as they're presented.

[JP] 19:01:56

None of the crimes that Caller mentioned would be affected in any way whatsoever. By the ALPR. They would not be caught.

[JP] 19:02:07

They would not be detected. The ALPRs are proposed to ring the city, not be downtown around the police station.

[JP] 19:02:16

But more than that. I would like to address the question of the effectiveness. And has questioned the effectiveness and said that there are there is not a lot of data on the effectiveness of the But I would like to suggest that there is a vast amount of data on the effectiveness of ALPRs.

[JP] 19:02:44

And that the Pub and the City Council and the police need to look at it. And that data is.

[JP] 19:02:52

The crime statistics for the United States over the last couple of decades. Right. ALPRs are said to reduce.

[JP] 19:03:03

The rate of crimes of certain crimes of all crime depending on who you listen to. Okay, but If you look at the data and this is readily available online, just look at the data.

[JP] 19:03:19

You will see that crime What most crimes. We're reduced over The time from about the year 2,000 to the year 2010 or 2012.

[JP] 19:03:31

We 4 ALPRs were ever deployed on a massive scale in the United States. And then if you look at the crime data from 2,012 for the next 10 years.

[JP] 19:03:45

What you will see. Is that crime? Crimes remained the same or increased. Right?

[JP] 19:04:00

So, but that was exactly the time when ALPRs were deployed and mass throughout the United States.

[JP] 19:04:05

So the rate of auto theft instead of going down in the last decade actually went up a little bit.

[JP] 19:04:13

So there is no evidence whatsoever. Through this massive database across the entire US. That ALPRs.

[JP] 19:04:22

We do reduce the theft of auto rate. If you look at murders, you'll see the same thing.

[JP] 19:04:30

If you look at the general crime rate, you'll see the same thing. So there is no effectiveness to this to this technology.

[JP] 19:04:40

It doesn't do what it's advertised to do, even though anecdotally, of course, you can find a couple of circumstances where it catches something or whatever, but at my statistically it simply is not effective and therefore the cost is essentially infinite because you're spending money that could be better used that could be

[JP] 19:05:03

infinitely better used elsewhere because it just doesn't work.

[Jose Murillo, ODPa Policy Analyst] 19:05:09

Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:05:16

Okay. Steve, I should be allowed to speak. I'll start the timer once you unmute.

[Jose Murillo, ODPa Policy Analyst] 19:05:27

And I apologize if I mispronounced your last name.

[Steve Ravellette] 19:05:29

Oh, you got it correctly. Thank you very much. Let's just start on Wednesday, June 20 first of this year.

[Steve Ravellette] 19:05:37

A man attacked a summer exchange female student. Near College Avenue and Hay Street. In an effort to sexually assault her.

[Steve Ravellette] 19:05:46

He had followed her from a bar. Near campus, you know, telegraph and Durant.

[Steve Ravellette] 19:05:49

BPD, sex crime detectives investigated. And they were able to identify the suspect and his car in S.

[Steve Ravellette] 19:05:58

Saturday, June 20 fourth, the suspect was arrested around midnight. VPd patrol officer notice the vehicle license plate and the mail occupant that match the wanted person.

[Steve Ravellette] 19:06:10

The district attorney is charged as suspect with kidnapping to commit a sex crime and assault with intent to commit a sex crime.

[Steve Ravellette] 19:06:18

What do I mention this? The suspect felt completely comfortable to go back to the city of Berkeley to hunt more victims.

[Steve Ravellette] 19:06:25

Just 3 days earlier he had dragged a 21 year old female into the bushes, sexually assaulted her and got away.

[Steve Ravellette] 19:06:33

Well, BP did excellent police work, investigating and ultimately arresting the suspect. The suspect was so confident to roam the city of Berkeley and commit more criminal acts just 3 days later.

[Steve Ravellette] 19:06:44

It BPD would have had a readily available assistive technology. In the case.

[Steve Ravellette] 19:06:52

Place in strategic locations throughout the city. The suspect most likely would not have had the opportunity to hunt victims again 3 additional days.

[Steve Ravellette] 19:07:01

It's also should be noted that the suspect was emboldened. That he was arrested just a half block where he originally stalked his first victim.

[Steve Ravellette] 19:07:11

Berkeley residents, students, visitors, deserve and implore. The police accountability board in partnership with the community to approve and utilize license plate rears as proposed by the Berkeley Police Department.

[Steve Ravellette] 19:07:23

Thank you for your time.

[Hansel Aguilar, Director of Police Accountability] 19:07:27

Thank you. We're going ahead and We're gonna adjust the time. To.

[Hansel Aguilar, Director of Police Accountability] 19:07:34

30 for the interest of time, make sure that we can get our community members that are waiting to see.

[Hansel Aguilar, Director of Police Accountability] 19:07:43

We'll go ahead and, you're muted. We'll say.

[Jose Murillo, ODPa Policy Analyst] 19:07:52

Sorry, just one moment.

[Hansel Aguilar, Director of Police Accountability] 19:08:04

Now go ahead and allow the next speaker. While you're doing it, LM, you are on right now.

[LM] 19:08:14

Hello, can you hear me?

[Jose Murillo, ODPa Policy Analyst] 19:08:16
Yes.

[LM] 19:08:18
Hi, good evening and I appreciate the initial presentation where you guys really shared. Objectively both sides of the issue and I really appreciate you asking.

[LM] 19:08:30
To listen intently and be open minded and first speaker talking really start the court with me and definitely can relate to all the crime that it's happening and made me make makes me think what can we all do to prevent it.

[LM] 19:08:48
And toll catch criminals as soon as possible. So therefore I'm really here to show the support for ALPR and some on a call already mentioned by transparency hub that was established here in Berkeley.

[LM] 19:09:03
Actually, there is a sixth increase. percent increase in card and 50% increase in overall crime.

[LM] 19:09:12
All this is happening why police is under staff by 2030%. In neighboring cities, mansion, or in San Mateo and others, data actually shows that Taft has increased by 30% since installation of this.

[LM] 19:09:28
Readers. It's also throws that getting this information into efficiency to what Steve was talking about and lower times needed for police to investigate the crimes.

[LM] 19:09:39
It actually also minimized police presence. Needed to monitor interact with individuals causing crimes. Also, this technology is already used for collecting parking tickets and it's even also done without actual police being present.

[LM] 19:09:56
Ticket just arrives to the address for the person to pay. So if this technology makes me think if this technology is used.

[LM] 19:10:03
Enforce parking and for city profits. I sure hope it can be used to protect this really crime-er communities where criminals are really brazen and come back day after day to commit the crimes.

[LM] 19:10:22
I feel concerned about privacy as well. And, What we know is that technology captures the license plate, make of the car, color of the car, which actually none of them are person, personal indenti for us and therefore risk is very law of privacy issues.

[LM] 19:10:44

I agree that measures need to be put around this technology and access and security but it's done many times in many technologies where privacy is the problem.

[LM] 19:10:54

So I believe really that pros for this technology outweigh the. And it's really high time for Berkeley to increase its focus on proactively preventing to increase its focus on proactively preventing crimes and capturing ones who commit crime as soon as possible.

[Hansel Aguilar, Director of Police Accountability] 19:11:08

Thank you, Alan, for your comment. Jose, are we able to get the, The timer up.

[Jose Murillo, ODPa Policy Analyst] 19:11:15

Yes.

[Hansel Aguilar, Director of Police Accountability] 19:11:15

That was under. Okay. And I do also want to.

[Hansel Aguilar, Director of Police Accountability] 19:11:19

Just highlight 1 point that the last speaker made of she indicated she went on the transparency hub and that is something that we we hope that more community members are engaging with that data.

[Hansel Aguilar, Director of Police Accountability] 19:11:34

It is an important tool that community members have at their disposal to be able to look at these trends and these patterns.

[Hansel Aguilar, Director of Police Accountability] 19:11:39

So thank you for plugging that in here.

[Hansel Aguilar, Director of Police Accountability] 19:11:42

Next video, please.

[Jose Murillo, ODPa Policy Analyst] 19:11:49

At, you have permission to speak. As soon as you're unmuted, I'll get the timer going.

[AT] 19:11:55

Hi, thank you for giving me a chance to give your comments. Okay, I'm the parents for UC Berkeley.

[AT] 19:12:06

The UC Berkeley, so you earned a number 3 spa on the list of most dangerous college ranking.

[AT] 19:12:12

By the business insider with us recent burglary amounting of 23,000. The safety issue in Berkeley is already rotten.

[AT] 19:12:21

Everybody knows. This is not a safe city to stay to live and to hang out. You think the criminal didn't know that?

[AT] 19:12:31

They know this is this is a see that it's so easy to commit crime and they have so many of easy target which are what I mean is the Cal students.

[AT] 19:12:41

So now any tools that will help to reduce the crime is a Moscow item. We do not have enough police personnel in Berkeley.

[AT] 19:12:51

By at least to establish an image to make Berkeley. A city that's hard to commit crime.

[Jose Murillo, ODP Policy Analyst] 19:12:56

Okay.

[AT] 19:12:59

Many Bay Area cities already. Have license plate readers. CPU again, let me remind you of reported a 33% decrease in vehicle thefts.

[AT] 19:13:13

And the 35% increase in related arrests. In connection with the ALPR program.

[AT] 19:13:21

If we don't catch up. All the criminals will start flowing our directions. And the citizen in Berkeley which will including the Cal students the easy target.

[AT] 19:13:33

Will become the victims of this proposal rejection. Bye them, I think. Who is responsible for that?

[AT] 19:13:40

You know, think about it. Thank you.

[Jose Murillo, ODP Policy Analyst] 19:13:45

Thank you.

[Jose Murillo, ODP Policy Analyst] 19:13:48

Okay.

[Jose Murillo, ODP Policy Analyst] 19:13:54

Okay, Robert, you have been granted permission to speak. I have restarted the timer and as soon as you're muted we'll get that going.

[Roberto] 19:14:01

Yes, good evening and thank you for providing us with such useful information in regards to the AI PRs.

[Roberto] 19:14:09

Really appreciate it. I'd like to start off with Give me now a shot off to All of the victims are hardworking victims that have been, victims of Theft and violent crime.

[Roberto] 19:14:26

People that have worked hard to but purchase a automobile that has been stolen. People that have bought multiple catalytic converters.

[Roberto] 19:14:38

That have to put their hard earned money into such purchases because we are not willing to spend money to, protect these people.

[Roberto] 19:14:48

And I cannot even speak of the people that have been victims. A violent crime, some of which were mentioned earlier tonight.

[Roberto] 19:14:59

I think it's time. To do some common sense. Police work and the ALPRs will provide us with the opportunity to do so.

[Roberto] 19:15:09

We are in danger of falling behind some of our a neighboring communities in regards to this type of technology.

[Roberto] 19:15:16

So common sense police, you know, police, you know, I'm sorry, is, long overdue.

[Roberto] 19:15:23

The problem is that we are lacking common sense decision making and I think it's about time. We put an end to that.

[Roberto] 19:15:32

Be able to track the stolen car or. Person, a child. That has just been abducted.

[Roberto] 19:15:40

I mean People talk about the cost of this and the reliability. And so forth. We need to start talking about what can.

[Roberto] 19:15:50

Be done with these with this technology such as being able to save an adaptive abductic child and we know that.

[Roberto] 19:15:59

In in Berkeley. Things like this have been attempted. Abductions of adults and children alike.

[Roberto] 19:16:08

So I just wanna say that, you know, please. Let's have a little bit more common sense.

[Roberto] 19:16:13

Let's put our politics aside. Let's look at technology we consider our city to be progressive.

[Roberto] 19:16:19

Well, now is the time to take a step forward by catching up to everybody else. Thank you.

[Roberto] 19:16:25

Good night.

[Jose Murillo, ODPa Policy Analyst] 19:16:28

Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:16:31

Okay, now we have former council member Cheryl Dabblers.

[Jose Murillo, ODPa Policy Analyst] 19:16:37

You have been. A lot permission to speak.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:16:42

Hi. So we already heard from many people, I agree with Maori, Kit.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:16:50

And the people that have. Are in opposition of these ALPRs. They don't provide crimes.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:03

They might. A and solving them, but it's gonna all be after the fact. But if you invested in community and humanity and people.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:17

And created jobs and opportunities that will also reduce crime. And. What you don't realize.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:30

Is that these ALPRs will track? Each and every one of us and we were already know that the you know, Berkeley's police department.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:45

Has documented history. And probably present. Because during COVID it increased it, which is the racial disparity in stocks.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:17:59

This is well documented and the CPE report. In the draft report. Since COVID, racial profiling has gone up.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:10

So to give this a tool to a police department that doesn't.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:19
Treat people equally or fairly. And equitably is going to be, you know, exasperate.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:28
This increase the problem that already exists. And.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:37
For instance, I know someone like that went out to Dublin. With someone that had been arrested.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:45
And so when they entered the town, they knew that they entered because of their license plate readers. It was either Dublin or a little bit more.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:18:54
They got pulled over on their way home out of that town. And that they knew where they went.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:01
They knew that they didn't purchase anything when they went shopping in the mall. They knew what stores they went in in the mall.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:06
This is the tracking that can happen and it can also impact transgender folks that are coming here for whatever reasons from another state, immigrants, you know, all kinds of things.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:19
People that come to this area to receive, abortions or that type of situation so it can be used against us and.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:35
And it's gonna mostly impact black and brown. Indigenous people. So that's what I would say.

[Cheryl Davila Former Councilmember, Founder CEMTF] 19:19:42
Invest in humanity and opportunities to prevent crime, not these license plate readers that are gonna make the problem worse for.

[Jose Murillo, ODPa Policy Analyst] 19:19:55
Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:20:02
George Lipman, the mic is yours.

[George Lippman] 19:20:04
Thank you. Yes, I have a question for you. Staff. So, but first I wanna assume for the moment that Everybody here, everybody in this conversation supports both security and civil rights.

[George Lippman] 19:20:20

My question therefore is Will there be appropriate oversight? To make sure that any misuse of the data. possibly by improper sharing of data on the cloud.

[George Lippman] 19:20:36

Can be determined. I know that you've had difficulty as the PAB and the Office of the DPA getting across, access to departmental data, even though the city's charter gives you that power.

[George Lippman] 19:20:50

So, I don't know if this is come up. I think people were asking before, what's the format gonna be?

[George Lippman] 19:20:57

Where is this gonna be stored? Is it gonna be stored in the cloud. Will there be a mechanism?

[George Lippman] 19:21:03

That's guaranteed that that can guarantee that not be shared or taken by other agencies such as those that maybe up to nefarious purposes like, oh, who's going to California to get abortions, whatever the case may be.

[George Lippman] 19:21:22

So that's, my question. Will there be a chance for the board or the office to take a look at the data and see that that it's being taken care of appropriately.

[George Lippman] 19:21:37

And you know, we, we think, we, wanna think the best. Of authority.

[George Lippman] 19:21:46

We also need checks and balances just like they have in Washington DC and we need to not demean the oversight bodies as some in Washington are doing at this moment.

[George Lippman] 19:21:57

Thank you. So that's my question.

[Hansel Aguilar, Director of Police Accountability] 19:22:02

Say are you able to adjust the time to 2 min? I just want to make sure we get as many members of the public and members of the public, just if we are happy and adjusting the time as you see to make sure we get as many voices here tonight.

[Hansel Aguilar, Director of Police Accountability] 19:22:15

I do wanna just acknowledge that again that the police department did respond back to some of the board's concerns in the discussions over the last few weeks that have been concerns expressed by this office and the board, about the accountability portion.

[Hansel Aguilar, Director of Police Accountability] 19:22:32

And I do know that there's language, in the revised policies about access to information for the board in the office.

[Hansel Aguilar, Director of Police Accountability] 19:22:41

In pursuant to investigations. There also is an internal audit function that the, that is embedded within this proposed policies.

[Hansel Aguilar, Director of Police Accountability] 19:22:49

So the department, the administrator will be doing internal audits and those audits will be made available to the board in the office.

[Jose Murillo, ODPa Policy Analyst] 19:22:59

Okay. Crystal, you're a Coler. You have been granted permission to speak.

[Jose Murillo, ODPa Policy Analyst] 19:23:06

Okay.

[Christoverre Kohler] 19:23:06

Greetings everybody. I'm going to address a couple of things here. Some of which touches upon with previous speakers have already raised.

[Christoverre Kohler] 19:23:15

And one of the things that I think is important is that we're looking at data and that kind of information.

[Christoverre Kohler] 19:23:22

It's easy to make mistaken assumptions out of it. And I hear some of that I think tonight.

[Christoverre Kohler] 19:23:27

I had an experience with the ALPR views. That bit me hard, violated my civil rights badly.

[Christoverre Kohler] 19:23:35

And it happened in a way that I don't know that anybody could have anticipated. So here's a couple of things.

[Christoverre Kohler] 19:23:43

We have had aLPRs here in Berkeley, a couple of them for years. People don't always know that.

[Christoverre Kohler] 19:23:47

They've been used by the parking enforcement division. They drive around with them. They read the places they go and they give an alert if there's some liability.

[Christoverre Kohler] 19:23:57

And I have a, a vehicle that got booted. Here in Berkeley and.

[Christoverre Kohler] 19:24:02

I called in and I had one conversation with the sergeant or that division. And we noticed that my outstanding tickets were all the most trivial kind.

[Christoverre Kohler] 19:24:12

And proper display of, disability placards. Some time in the morning when the whole day was reserved for street sleep and I didn't prevent any.

[Christoverre Kohler] 19:24:22

So, I was using my truck at the time for emergency lodging. I was in between places.

[Christoverre Kohler] 19:24:28

And so they granted me that they would return the vehicle to me. I could have more time to spend the tickets and I'd have more time to do some free markets with some money to The next day my truck was booted again.

[Christoverre Kohler] 19:24:43

This is on on a Friday night. And I called the boot company. Now here's where it is complex.

[Christoverre Kohler] 19:24:50

We have the officer who booted it called in the boot the company that handles the boots and they're the people I called.

[Christoverre Kohler] 19:24:56

And we decided with the customer service rep that it was mistaken. That the opposite driven by those tickets were still on the record.

[Christoverre Kohler] 19:25:06

They alerted the officer who did not read the notes attached to the file. And in those notes were documented my conversation with the sergeant and the ration we had made.

[Christoverre Kohler] 19:25:17

She didn't see those so she had booted again. So I thought they were gonna send somebody out and take it off. They didn't.

[Christoverre Kohler] 19:25:23

Later that evening, I discovered that the, but, So I take it off and I called in to the sergeant.

[Christoverre Kohler] 19:25:31

I left voicemail messages about what should I do now. She never returned my calls. I called again the following week.

[Christoverre Kohler] 19:25:39

And, the, the boot company who told me I was liable for a fee because I hadn't come in and paid everything off.

[Christoverre Kohler] 19:25:46

Like what you're supposed to do when you booted. And. I said it was a mistake and they hadn't confirmed that they had known anything.

[Christoverre Kohler] 19:25:53

So later that week, my truck in fact was hard. They have actually been going out to find the truck to take the boat off so that the truck was moved figured that I broke the boot and just on that assumption it took the truck.

[Christoverre Kohler] 19:26:08

I finally got it out again and I found out that the police department uses a couple of different databases.

[Christoverre Kohler] 19:26:15

They use a state one for criminal. They use an internal one for their purposes. I don't know if this is gonna be a third one.

[Christoverre Kohler] 19:26:20

But what we're gonna have is similar things where where the operator using ALPR for a particular purpose may or may not be fully informed.

[Christoverre Kohler] 19:26:31

Of everything they need to know before an act is made. That kind of complexity, I'm not clear on.

[Christoverre Kohler] 19:26:40

I've not seen any presentations satisfy me on that. The other thing I wanna point out is that the same data that was used a couple of years ago to show racial, disparity.

[Christoverre Kohler] 19:26:50

Actually, what was actually shown by that was almost all of those stops in the racially disparate were overnight.

[Christoverre Kohler] 19:26:56

And it's a national standard. Among all the experts that it's when you see that disparity in the daylight that you say are bias because at night it's much harder you're gonna see the race of an individual.

[Christoverre Kohler] 19:27:08

So really with that data showed was that our our police department is less dramatically less racially biased than others.

[Christoverre Kohler] 19:27:17

And it shows one other thing that I'm not seeing addressed as well, which is It may be at night we have a higher racial mix of one kind or another in Berkeley driving on the streets, in which case that could be part of the disparity as well.

[Christoverre Kohler] 19:27:34

I'm seeing that these ALPRs are intended to ring the city to look for incoming and outgoing traffic which says to my mind that they're looking for people not from Berkeley.

[Christoverre Kohler] 19:27:42

Or they wanna tracking for that reason and that would only be certain crimes I think. So I'm I'm not comfortable with the LPR.

[Christoverre Kohler] 19:27:53

So once that complexity is addressed in an innocent person shouldn't have to go through a lot of stuff.

[Christoverre Kohler] 19:27:55

I ended up losing my truck because of it. That people are be protected from things like that.

[Christoverre Kohler] 19:28:01

Secondly, if we have vendors and we have several databases and we have complexity. That has to get really well addressed before we rely on it.

[Christoverre Kohler] 19:28:09

Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:28:09

Thank you. And I do wanna just give a another gentle reminder about the time we're gonna adjust it to.

[Hansel Aguilar, Director of Police Accountability] 19:28:17

1 min per speaker we're gonna knowledge the next 6 speakers that have their hands raised. We are trying to provide as much opportunity.

[Hansel Aguilar, Director of Police Accountability] 19:28:29

Do, remember that we're going to have the board is gonna have a meeting on July, the twelfth, which is next week.

[Hansel Aguilar, Director of Police Accountability] 19:28:34

They do have public comment sections. This item will be on the agenda if you want to. Share additional thoughts and commentary you're also more than welcome to email us we'll make sure that the email address is, provided and available for your, before your review before you leave the session tonight.

[Hansel Aguilar, Director of Police Accountability] 19:28:54

So the next few speakers are gonna have 1 min please.

[Geoff Lomax] 19:29:01

Good evening. Thanks very much. Just a couple of comments. First, the, The point on, you know, crime statistics, the only real stable variable that remains stable over time because of how things get reported as homicide rates.

[Geoff Lomax] 19:29:18

And they've dipped to some extent, which is true, but we still have horrendous homicide rates.

[Geoff Lomax] 19:29:24

We have the highest rates of any pretty much any country other than those experiencing active conflicts. So. The other the other types of crimes are simply going unreported or reported at much lower rates and they've changed a lot over time.

[Geoff Lomax] 19:29:40

Second, I really just caution about a recommendation. Of the level of study you're suggesting is necessary is effectively a case control study which would cost much more than the implementation of the policy.

[Geoff Lomax] 19:29:55

So simply implement the policy and do what everyone does. Evaluate it and see what its impact is over time under real world conditions.

[Geoff Lomax] 19:30:04

Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:30:16

You're muted.

[maria sol] 19:30:19

Hello, can you hear me?

[Jose Murillo, ODPa Policy Analyst] 19:30:21

Yes.

[maria sol] 19:30:22

Okay, thank you very much for this and by the way on many meetings that put up a clock. You can politely.

[maria sol] 19:30:30

But the mic so that he can actually be adhered to. First of all, I've been the victim of a assault, stolen vehicles, hitting runs.

[maria sol] 19:30:39

Rape, etc. So I really empathize with anyone that is hurt. It's horrible to be violated.

[maria sol] 19:30:47

However, This is a complex issue. We have multiple crime sources. Or just because it's so darn profitable.

[maria sol] 19:30:58

It is extremely profitable. To be in organized crime. So who's that? But then more generally.

[maria sol] 19:31:05

We have desperate people. Desperate, overwhelmed, terrified people. Struggling to survive. So putting money.

[maria sol] 19:31:13

To support people in my view. Is preventing the harm. And that's, you know, an ounce of prevention is definitely worth a pound of cure.

[maria sol] 19:31:24

Thank you very much, all of you. Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:31:28

Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:31:36

Okay, and the caller ending with 7 8 7.

[] 19:31:43

Hello?

[Jose Murillo, ODPa Policy Analyst] 19:31:43

Okay, yes, we could hear you.

[] 19:31:47

Yes. I believe prevention. Is the Just starts with our youth.

[] 19:31:57

Programs. We eliminated free recreation programs. A prevention outlet to grow our children into productive human beings.

[] 19:32:09

I disagree with your proposal. I have been victimized by police. And also have been victim of kidnap and rape.

[] 19:32:23

However, implicit bias is a well-documented It does exist. I'm convinced if My license is seen.

[] 19:32:34

I will automatically be seen as guilty or involved. In bad behavior.

[] 19:32:43

Paul will this procedure eliminate implicit bias the practice of bigotry? And hatred.

[Jose Murillo, ODPa Policy Analyst] 19:33:01

And we just wanna confirm that that's the end of your comment in terms of the question. Director

[Hansel Aguilar, Director of Police Accountability] 19:33:08

Yes, if we can move to the next speaker at this time. We're just trying to make sure.

[Hansel Aguilar, Director of Police Accountability] 19:33:12

The last few speakers have an opportunity

[Jose Murillo, ODPa Policy Analyst] 19:33:15
Okay.

[Jose Murillo, ODPa Policy Analyst] 19:33:18
Okay, the speaker with citizen 5.

[Citizen Five] 19:33:24
Yes, hello, can you hear me?

[Jose Murillo, ODPa Policy Analyst] 19:33:26
Yes.

[Citizen Five] 19:33:28
Greetings, thank you. My name is Star Child and I am strongly against any additional surveillance.

[Citizen Five] 19:33:36
I want the surveillance that is already being, being constitutionally imposed on us to be eliminated. I understand some people are concerned about crime, but as I posted in the questions I don't know if everyone can read those.

[Citizen Five] 19:33:51
I would ask them to be unblocked so people can read them because I put in a link with some background information.

[Citizen Five] 19:33:56
Given that the government has actually stolen more money from people in the US in recent years than petty criminals.

[Citizen Five] 19:34:01
That's all petty criminals combine. That's not even counting non-consensual taxation, but simply money.

[Citizen Five] 19:34:07
And property seized in forfeitures. Where they put the burden on you, the victim. To show that your resources were not involved in criminal activity.

[Citizen Five] 19:34:16
In order to get your money or property back. Isn't it the height of stupidity if your goal is to reduce crime?

[Citizen Five] 19:34:23
To put more power in the hands of government. The number one criminal organization in the United States. By giving them more power to monitor and track people.

[Citizen Five] 19:34:32
And potentially seize their resources.

[Citizen Five] 19:34:36

And there is that's my question. And in, there's a link to the story confirming this allegation.

[Jose Murillo, ODPa Policy Analyst] 19:34:38

Hi.

[Citizen Five] 19:34:44

How in the past 20 years they've stolen 68 billion dollars. In forfeitures for American citizens.

[Citizen Five] 19:34:50

And Pro Publica says that for some law enforcement agencies for FIFTHER funds have been as much as 20% of their budgets.

[Citizen Five] 19:34:57

And quote, most of this money and property is coming from poorer people. Unquote and they say that's particularly frustrating when you consider the petty penalty pittances paid by most white collar criminals.

[Citizen Five] 19:35:09

So government using it's information to go after people. And primarily poor people are more likely to be brown black, etc.

[Citizen Five] 19:35:20

To seize their money and then people don't have the resources to fight them to get their property back.

[Citizen Five] 19:35:24

And if you allow more surveillance. You're enabling more of this kind of theft. From the number one criminal organization in the United States and that is the government.

[Citizen Five] 19:35:33

And I would like to hear responses. Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:35:39

Thank you for your commentary. As we mentioned at this time, we're not going to be responding back.

[Hansel Aguilar, Director of Police Accountability] 19:35:45

We will be moving, the discussion to the to the police accountability board meeting if you're interested in engaging further.

[Hansel Aguilar, Director of Police Accountability] 19:35:53

If you can, allow the next speaker, please.

[Jose Murillo, ODPa Policy Analyst] 19:35:57

Rivka Blocknick.

[M. Rivka Polatnick] 19:35:57

Hi, this is RIFKa. I urge you to keep in mind the bigger picture of what public safety means certainly.

[M. Rivka Polatnick] 19:36:07

We all are unhappy with crime, but public safety includes having the means to survive live. You know, liver.

[M. Rivka Polatnick] 19:36:18

Thriving life and people deprived of that may. Turn to crime, but Also look at the budget because The issues of cost are important and effectiveness because there are so many competing claims for the limited money that we have and when something like this gets funded and it turns out to be much more expensive than at first look.

[M. Rivka Polatnick] 19:36:43

That means that other things are not getting funded or being cut. Programs that do prevention and intervene with youth and higher community members who themselves got in gangs or crime who regret it and are really eager to mentor youth and lead them away from crime.

[M. Rivka Polatnick] 19:37:07

There's all kinds of alternative ways. To reduce crime that don't. Cost an enormous fortune and I am afraid that this is gonna end up costing enormous price at the expense of other really important That would help our public safety.

[M. Rivka Polatnick] 19:37:26

So please, you know, keep that in mind.

[Jose Murillo, ODPa Policy Analyst] 19:37:30

Thank you. Okay. Wendy Gibson.

[Wendy Gibson] 19:37:39

Hello, thank you for having me. Wanted to read this real quick. This is the Berkeley Police Association tweet.

[Wendy Gibson] 19:37:46

Monday morning the entire understaffed graveyard team was on a home invasion robbery with foreign custody.

[Wendy Gibson] 19:37:52

Then a group of criminals committed a commercial bird really on Fourth Street. We had no officers to send.

[Wendy Gibson] 19:37:58

Next time it could be you that needs help and we have no officers available. These type that using technology.

[Wendy Gibson] 19:38:05

To aid the police department. Helps our community. It's not a 0 sum game. We can invest in humanity and we can also invest in technology that makes our community safer.

[Wendy Gibson] 19:38:17

Well, technically not preventing a crime in process. These readers can prevent future crimes because once they start helping capture criminals.

[Wendy Gibson] 19:38:27

The criminals, other criminals will decide they will have a higher chance of getting caught if they want to do bad things in Berkeley.

[Wendy Gibson] 19:38:35

In addition, catching criminals repeat criminals like a gentleman spoke earlier who was raping people they're gonna stop those crimes because you get those criminals off the streets.

[Wendy Gibson] 19:38:48

These readers do not know what you purchase at a mall or what stores you go into or the color of your skin.

[Wendy Gibson] 19:38:57

That's one of the things that makes them great. Thank you so much. I appreciate your time.

[Jose Murillo, ODPa Policy Analyst] 19:39:03

Thank you.

[Jose Murillo, ODPa Policy Analyst] 19:39:07

Okay, and we are at our last speaker for tonight.

[Jose Murillo, ODPa Policy Analyst] 19:39:13

Ingrid, you have been granted permission to speak.

[Ingrid] 19:39:17

Bye. Can you hear me? Okay, thank you so much for giving me the time and the opportunity to speak here.

[Jose Murillo, ODPa Policy Analyst] 19:39:19

Yes.

[Ingrid] 19:39:26

I wanted to mention that like some other speakers have said criminals usually flock to cities where they know there are holes and staffing.

[Ingrid] 19:39:34

We know Berkeley right now is under staffed. Most of this criminals come from outside of the city to terrorize.

[Ingrid] 19:39:42

The residence of the city. And, I think a misconception is that this license plate readers will catch or keep tabs on everybody and The way they work is they're not gonna track a license plate unless the license plate has been entered into the system based on a crime that has been reported, a stolen car or something like that.

[Ingrid] 19:40:06

So. I think for all those residents who are afraid that they're gonna be targeted, I think this will solve their problem.

[Ingrid] 19:40:15

It's just they're only gonna catch people that have already committed crimes and have been known to so I would appreciate if you can support this.

[Ingrid] 19:40:21

For the safety of all the Berkeley residents and the Cal Berkeley students. Thank you for your time.

[Jose Murillo, ODPa Policy Analyst] 19:40:28

Thank you.

[Hansel Aguilar, Director of Police Accountability] 19:40:33

Thank you. This morning if we could put the Our contact information slide. That is going to conclude our opportunity for public comments if you want to continue to discussion we really appreciate that the feedback we received today we want to strive to have more of these conversations.

[Jose Murillo, ODPa Policy Analyst] 19:40:40

Yes.

[Hansel Aguilar, Director of Police Accountability] 19:40:59

The the city charter that establishes the office and the board does. It's very clear about his intent of ensuring that there's community engagement when there's ever a policy review.

[Hansel Aguilar, Director of Police Accountability] 19:41:11

So please do continue to participate in this discussions, participate in the police accountability board meetings. There are always public comments.

[Hansel Aguilar, Director of Police Accountability] 19:41:21

The information is listed on our website. Our email address is listed here. If you have any questions regarding this or any of the policies we discussed today.

[Hansel Aguilar, Director of Police Accountability] 19:41:32

We want to make sure that any policy that is being considered by the police department by the city council is, receiving a rigorous review to ensure that we're upholding the values of this community and ensuring that they will be, appropriate accountability for compliance.

[Hansel Aguilar, Director of Police Accountability] 19:41:52

So again, we appreciate the feedback that we receive tonight. We want to make sure we continue this discussion.

[Hansel Aguilar, Director of Police Accountability] 19:41:58

We will memorialize. The commentary today that we received today and give it to the board at his next, meeting we're going to provide.

[Hansel Aguilar, Director of Police Accountability] 19:42:08

Our agenda packet is going to include a lot of the comments and questions that have been provided tonight.

[Hansel Aguilar, Director of Police Accountability] 19:42:17

So again, we thank you for your participation. If you want to have any final thoughts for the community.

[Jose Murillo, ODPa Policy Analyst] 19:42:23

I just wanna echo, what the director has mentioned. We greatly appreciate your participation. We'd also appreciate any feedback in terms of this community input forum.

[Jose Murillo, ODPa Policy Analyst] 19:42:34

One of the things we've already noted was the timing issue. And we apologize for the speakers that got less time towards the end.

[Jose Murillo, ODPa Policy Analyst] 19:42:41

But it does make us happy that we were in a position where, there's enough community members here to where the timing.

[Jose Murillo, ODPa Policy Analyst] 19:42:47

How to be shrunk down. So we'll work on that. But we also welcome any future feedback that you could have for us, to help these make to help us make these sessions are more useful for you the community member because at the end of the day and that's who we're here for.

[Jose Murillo, ODPa Policy Analyst] 19:43:03

So thank you very much for thank you everyone for coming today.

[Hansel Aguilar, Director of Police Accountability] 19:43:06

Have a good night.

ODPA Community Input Session: Automated License Plate Readers (ALPR): A Discussion on ALPRs in the City of Berkeley

July 6, 2023

Questions and Comments made Through the Q&A Tool

Question	Answer
thank you for this presentation, activating closed captioning and allowing attendees to save the transcript.	live answered
We cannot see the q and a.	live answered
It was said to keep an open mind and be inclusive of diverse perspectives... I have noticed that our electeds do not practice this value. In fact Dist 2 Council member frequently denies to participate in any conversation or dialogue for understanding of perspective as well as denying to consider statistics that are presented to affirm the harm that heavy surveillance has been proven to have in our society and the harmful ways that it it used against black and brown, low income, unhoused and other marginalized community members.	live answered
Insofar as the acquisition of ALPRs seems to be a fait accompli (as evidenced by the vote to acquire by the Public Safety Cmte unanimously) why is this being held now and not months ago?	
I'd just like to register my support for the license plate readers and look forward to them coming online soon and assisting in both deterring and helping to solve crime in Berkeley. Thank you.	
As we are supposedly in a Democracy and theoretically our 'input' is supposed to inform and shape our City Council's decisions -we have been witness to the fact that when they have a particular "agenda" they do not listen to nor consider nor inform or shape their decisions based on the diverse community input and proof of harm reported in audits and studies on discrimination and racial profiling.	

Will it be shared will other law enforcement agencies and/or private organizations?

How many wrong arrests have been made using ALPR technology?

Is there data to support the claim that ALPR does in fact solve crime?

422.9 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.

(a) A supervisor at the requesting agency will sign an acknowledgement letter stating that the shared data will only be used for the purposes that are aligned with the Berkeley Police Department's policy. The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP). See attached letter.

(b) The signed letter is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

(c) All signed letters shall be routed to the Audit and Inspection Sergeant for co

<p>Will all BPD department officials have access to this surveillance data?</p>	<p>422.4.1 ALPR ADMINISTRATOR The Investigations Division Captain, or his/her designee, 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): (a) Only properly trained sworn officers, crime analysts, communication operators, records clerks, parking enforcement officers, and police assistants are allowed access to the ALPR system or to collect ALPR information.</p>
<p>The procedures that are supposedly in use now that “ensure” that they do not infringe upon the civil liberties of members of our community currently are not ensured in actuality, it is just a theory... many community members are harmed -this concept of assurance is not valid and they can certainly not uphold that assurance in regards to the ALPR equipment and the police conduct in use of this technology</p>	
<p>Will BPD have a contractor actually operating the cameras, collecting the data, etc.?</p>	
<p>Are “Closing Comments” going to be from the attendees? Or from the PAB?</p>	live answered
<p>So what is the estimated cost of performing the case control studies that the PAB indicates is needed to inform this proposal? How do those costs compare to the program costs?</p>	
<p>I mean, do attendees have a chance to make comments tonight, or only ask specific questions?</p>	live answered

BPD already has documented racial profiling, quotas & problematic discriminatory behavior, ALPRs has the opportunity to increase this disparity, what are you doing to prevent that?	
Since you don't have a vendor, how can you guarantee they will comply with COB surveillance policy and data sharing?	
What is example of civil liberties that will be impacted by implementing these cameras and are there reports that this happened in other cities this has been implemented?	live answered
But can officers ask for the trained officers to retrieve data from the ALPR database and provide it to them?	
Will ALPR be provided to the police to help identify automobiles nearby the locations at times of crimes reported to the BPD ?	
Will the operators who have access to data be bonded and have to take an oath to confidentiality?	
where will the information reside on locally controlled servers or on the server of the provider	
How many members of the public are listening?	At one point during this session we had near 60 participants

<p>If your license is scanned how long is your license in the system?</p>	<p>The license plate is scanned, not the driver's license. "All ALPR data downloaded to the ALPR server should be stored for no longer than 30 days, 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 or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server and uploaded into BPD's digital evidence repository." (422.6 DATA COLLECTION AND RETENTION)</p>
<p>Who has the power to get BPD and the City to seriously consider what alternatives to ALPR could be used to reduce and PREVENT crime? In terms of vehicle theft, Berkeley could get more effective PREVENTION by identifying which kinds of vehicles are more vulnerable to theft and take steps to make those vehicles more difficult to steal and easier to recover. From the California Highway Patrol website, I learned that out of 72,665 automobiles stolen in California in 2022, 31% were Kias, Hyundais, or old Hondas. This Spring, BPD themselves reported a huge recent upsurge in theft of Kias and Hyundais due to software deficiencies. That's what needs to be fixed. For the old Hondas, the owners of those vehicles should be provided with information and resources about protecting their vehicles - perhaps including a program to help them obtain low cost trackers to hide in their cars. I'd like to comment on this, but am typing in for your records.</p>	
<p>Berkeley meter maids have had license plate readers for years, does anyone here think it's reasonable for meter maids to have better technology to write parking tickets than the police to stop and solve crime?</p>	
<p>What is the definition of, "Operator"?</p>	<p>live answered</p>

<p>What is the definition of, “Operator”?</p>	<p>ALPR Operator: Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.</p>
<p>Could this be used to e-ticket a car that ran a red light.</p>	
<p>Is it true that Flock is the presumed vendor? Also that Flock stores the data in the “cloud?” Also, will the PAB have an oversight function to make sure that data not be shared inappropriately?</p>	
<p>Why are the ALPRs so dramatically more affordable than the vidcams?</p>	
<p>Another area that I want in your record - Will the effectiveness or lack of effectiveness of ALPR be taken into account by PAB or by City Council? Vehicle thieves. Criminals have several strategies to defeat ALPRs. They can switch license plates with a parked car, they can use counterfeit plates, they can steal a car, complete their crime and dump the car before the owner realizes and reports that it has been stolen. Counterfeit plates, stolen plates, and also alteration of plates can also be used by persons wanted for crimes other than vehicle theft. If Berkeley installs an extensive ALPR network, criminals will adapt and the use of these techniques will also expand proportionately. In New York, ALPR evasion through counterfeit plates and altering plates has become very widespread, even among otherwise law-abiding people, (who want to evade highway tolls and parking tickets). Please look at the ALPR situation in NY or other areas before Berkeley spends money to install it here.</p>	
<p>This is rude; and off topic; moderate this meeting</p>	
<p>Can this speaker be limited to 3 minutes?</p>	
<p>Can you enforce the 2-3 min time limits please</p>	
<p>Hansel’s audio is cutting out intermittently</p>	
<p>Isn’t the plan to mount the cameras on Berkeley thoroughfares, not in residential neighborhoods?</p>	

<p>I have heard that Piedmont has used ALPRs for many years and their crime rate is extremely low. I think, given the loss of so many active police officers, it would be a positive addition to Berkeley's policing tools. Can you comment?</p>	
<p>Is there a way to get the entire transcript, I got to the meeting late.</p>	<p>Yes, the transcript may be saved. If anyone is having difficulties downloading it, you may contact our office for a copy dpa@berkeleyca.gov</p>
<p>Thank you Director Aguilar and analyst Murillo for conducting this community meeting. You have done a wonderful job hosting, facilitating and informing us this evening. We are grateful for your service and committed work in and with the community.</p>	
<p>Can I speak as a member of the public?</p>	
<p>Given that the government has actually stolen MORE money from people in the U.S. in recent years than petty criminals – not even including non-consensual taxation, but simply money and property seized in forfeitures, where they put the burden on you the victim to show that your resources were NOT involved in criminal activity in order to get your money or property back – isn't it the height of STUPIDITY, if your goal is to REDUCE CRIME, to put MORE power in the hands of government, the #1 criminal organization in the United States, by giving them more power to monitor and track people (and potentially seize their resources)?</p>	
<p>We have a city manager who just appointed a chief without completing a proper investigation of multiple allegations of misconduct in our Police Dept. We do not have trust of the City Manager and the Police Dept to do oversight or "ensure" equity and safety of all residents... don't forget that the accountability prior to now has been poor to say the least.</p>	
<p>It seems that some speakers are using scare tactics. These cameras have NO way of knowing what stores in a mall you entered or what and/or if you purchased anything. BIPOC folks are actually protected with this technology as it cannot see the people in the car.</p>	

Here is a link to a story confirming the allegation contained in my question (that the U.S. government is stealing more from Americans than ordinary criminals are):

<https://boingboing.net/2020/12/21/us-police-have-stolen-68-billion-in-the-past-20-years-from-american-citizens-without-due-process.html>

What is the purpose of the timer? It has been showing 6 zeros for 3 min

Some further background from the link that shows how this is a racial and social justice issue:

“ProPublica adds:

For some law enforcement agencies, forfeiture funds have accounted for as much as 20% of their budgets, and are sometimes used for seemingly nonessential purchases. A police department in Georgia, for example, once spent \$227,000 on an armored personnel carrier, and a sheriff in New Mexico splashed out \$4,600 for an awards banquet. In one recent case, a suburban Atlanta sheriff spent \$70,000 in forfeiture funds on a muscle car, a Dodge Charger Hellcat, that he uses solely to drive to and from work. The U.S. Justice Department called that purchase ‘extravagant.’

The fact that most of this money and property is coming from poorer people is particularly frustrating, when you consider the penalty pittance paid by most white collar criminals.”

<https://www.sacbee.com/news/politics-government/capitol-alert/article276848586.html>

Can the questions/comments I’ve posted here please be made visible to the public, so anyone interested can see them in writing and read more at the link to the story I posted?

CLEARLY, that last speaker doesn't understand RACISM! SADly....which is the PROBLEM!

Caller says that ALPR will only track those who have committed crimes, but that is, as you well know, false. All cars are tracked for 30 days; only cars that are in the database are flagged immediately. You should correct this misconception.

BPD Memorandum Titled “Response to the PAB Objections and PSPC on Surveillance Ordinance item related to Fixed Automated License Plate Readers (ALPRs)” and Copies of the Revised Policies and Respective Acquisition Report



Office of the City Manager

July 25th, 2023

To: Honorable Mayor and City Council Members
From: Dee Williams-Ridley, City Manager
Submitted by: Jennifer Louis, Chief of Police
Subject: Response to the PAB Objections and PSPC on Surveillance Ordinance item related to Fixed Automated License Plate Readers (ALPRs)

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Police Department received feedback regarding the proposed policies from the Police Accountability Board at an ad hoc PAB meeting on 6/16/23 and the Public Safety Policy Committee meeting on 6/20/23. The purpose of this memorandum is to address those concerns.

On June 16, 2023, Chief Louis received via electronic mail an Objection to the Berkeley Police Department Surveillance Acquisition Report – Fixed Automated License Plate Readers (ALPR) and Proposed Policies 422 and 1305 from PAB Chair John “Chip” Moore. That document listed four primary concerns with eight subsections that are restated and addressed below.

1.) Civil Liberties Protections: The proposed acquisition report and policies need to provide stronger safeguards and assurances for protecting civil liberties and privacy rights. It is essential to ensure that the acquisition and use of ALPRs do not infringe upon the rights of individuals in our community. For example:

a. One PAB member expressed concerns that the acquisition report or the policies don't provide safeguards for this surveillance technology or its data being used in a way that could run afoul of reproductive rights by recording movements or location patterns of individuals seeking medical attention or health services for reproductive rights.

BPD Response:

At the recommendation of a PAB Member on 6/20/23, the Department has modified the language to include “California” law enforcement purposes to address this concern. The policy was changed from “legitimate law enforcement purposes” to “legitimate **California** law enforcement purposes”

b. The PAB stated concern that the Department indicates “*Reasonable suspicion or probable cause is not required before using an ALPR*”, but provides no clear

examples of a scenario where the technology may be required to be used without reaching these important legal thresholds.

BPD Response:

ALPR is a tool that assists law enforcement in several manners. First, it is proactive by alerting patrol officers when a wanted vehicle passes through an intersection that is equipped with an ALPR. Additionally, as the Department shared in both the PAB subcommittee meeting on 6/16/23 and the PSPC meeting on 6/20/23, ALPR also has a second use as a potential to aid in developing probable cause. An example of this use would be if a shooting occurred at Sacramento and Ashby with a white vehicle fleeing. The use of an ALPR could further the detective's ability to establish probable cause and further an investigation. Additionally, officers investigating missing person cases would be able to add a vehicle license plate to the missing person report, but not every missing person case would have probable cause or reasonable suspicion as it's not necessarily a crime.

Furthermore, in a PAB meeting, it was clarified that in this language that the PAB cites (from Policy 422.5(b) and 1305.3(b)) the Department has added Reasonable suspicion or probable cause is not required before using an ALPR **database**. This further refines the point that this applies to the database. It was not intended to mislead that an enforcement stop could be conducted outside of the constitutionally guided authority.

c. There appears to be unclear language about retention periods. In one section the Department indicates, "*The ALPR vendor will purge their data at the end of the 30 days of storage.*" Then, the Department includes seemingly contradictory language in its policy: "*However, this will not preclude Berkeley Police Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Berkeley retention schedule mentioned above or outlined elsewhere.*" (see Section 1305.4 of the proposed policy).

BPD Response:

This language indicates that any ALPR hit that becomes part of a case would be downloaded into the digital evidence repository and subject to the pre-established retention guidelines for evidence pursuant to BPD Policy 804 Records Release Management.

2) Lack of Empirical Support or Data justifying the need or its intended use: We have noted a lack of empirical evidence or data demonstrating the effectiveness of the technology in achieving its intended goals here in the City of Berkeley. While the PAB is aware the BPD has reported an increase in crime in specific categories over the years, comparable jurisdictions with or without this technology have not been analyzed to

determine potential effectiveness for those crime categories. Before moving forward with the acquisition, it is crucial to have solid evidence that ALPRs will significantly contribute to solving criminal investigations and enhancing public safety beyond the highlighted cases the Department cites in the Acquisition Report.

a. The ODPa's report cited the IACP (2022) survey³ which indicated, "*Although research is sparse, there is some evidence that suggests LPR use is effective at preventing crime.*" However, the Acquisition Report fails to adequately provide a data-based justification for why the City of Berkeley needs to adopt this technology.

BPD Response:

The Department has brought forth this item in response to a City Council Budget Referral Item. However, in 2020 Berkeley Police reported to the FBI a total of 805 vehicle thefts. As of 6/20/23, in the past 180 days, Berkeley Police had 704 reported vehicle thefts. This data indicates that for the first half of 2023, the City has reached 87% of vehicle thefts for the entire year of 2020. If that trend continues that could lead to a 74% increase in vehicle thefts. According to a record management query, BPD year to date has noted the loss in vehicle thefts for the City of Berkeley (only those reported to BPD, not including BART, or UCPD-Berkeley as of 6/26/23) is \$1,949,386 in losses just from the vehicles; which does not include lost wages, or emotional losses.

b. As noted in the ODPa report, as currently written, the *Purpose* section of the BPD's Acquisition Report does not explicitly mention a data-based justification for the use of ALPRs (beyond the highlighted cases of interest). To strengthen the justification for the acquisition, the BPD needs to provide statistical analyses (or other data analyses) demonstrating the effectiveness of ALPRs in reducing the specific crime problems the City would like to resolve.

BPD Response:

The item was drafted in response to a City Council Budget referral. However, as it relates to effectiveness, it's difficult to empirically capture the expected effectiveness though the Department expects there to be both a deterrent effect as well as a direct measurable impact. While some cities like Alameda have few entrances and exits to the city via roadway, Berkeley has several dozens of roadways that enter and exit our neighboring cities. BPD is not recommending tracking all of those avenues but rather focuses on the main corridors with the limited number of cameras proposed. BPD is proposing in this item a two-year trial period wherein the data can be tracked in the Annual STO report. At the end of the trial period City Council will ultimately decide on the extent of continued use.

3) Concerns about True Financial Costs: The PAB has concerns about the true costs

associated with the technology, including potential hidden costs, maintenance expenses, and long-term financial commitments. It is essential to have a comprehensive understanding of the financial implications and ensure that the benefits outweigh the costs.

BPD Response:

BPD is confident in our ask for Council authority as outlined in section H of the Acquisition Report, where BPD indicates that the initial cost is not to exceed \$250,000 and that the annual subscription cost is not to exceed \$175,000 a year based on the current costs. This is an all-inclusive cost as the equipment is leased, and all maintenance is assumed by the vendor.

4) Lack of Completeness of the Acquisition Report and Proposed Policies: The proposed policies require further clarity, elaboration, and editing. Particularly, the Department should clearly outline the intended uses of the data, retention periods, access controls, and measures to protect against potential misuse or unauthorized access (to include more information about minimum training requirements for the users of the technology). For example:

a. The PAB stated that in the proposed policies, the Department uses language to emphasize the importance of data privacy, protection of civil liberties, and accountability but has a weak approach to misuse in Section 422.5 of the proposed policy, “ *Anyone who engages in an impermissible use of the 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 departmental policies.*” (emphasis added). Adherence to the policy needs to be nonnegotiable, therefore the Department needs to modify the language to indicate that impermissible uses **SHALL** be subject to administrative sanctions.

BPD Response:

BPD proposes the following edit as discussed at PSPC on 6/20/23:

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

Anyone who negligently engages in an impermissible use of the 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 departmental policies.

b. Section 422.10 of the proposed policy mentions the requirement for training but does not specify what that will look like. As noted in the ODPa report, the BPD should outline the minimum training requirements provided to officers on the proper use of ALPRs and adherence to privacy and civil rights standards.

BPD Response:

Training is offered by FLOCK upon entering into a contract. The training will cover the use of the technology, equipment, and policy. BPD will help in the creation of robust training to ensure officers are able to properly and lawfully utilize the ALPRs upon Council approval.

c. Without clear articulation of the minimum training requirements, the Board has concerns regarding Sections 422.5 and 1305.3 of the proposed policies which encapsulate conditions for use, standards to be observed for various circumstances (stop of car vs. stop of person for example) and required verification before certain activities can be taken.

BPD Response:

The Department does not anticipate the use of ALPRs to lead to stops of persons, also referred to as pedestrian stops. However, as explained at the PAB meeting on 06/27/23, nothing changes the legal parameters that guide the permissibility of detentions.

As with any new or updated policy issued by the Department, an appropriate training plan will be developed to ensure personnel are aware of how to use technology and the policy that guides its use. For this technology, training will be provided by the vendor. It's premature to develop a training plan in advance of Council approval, and without knowing the vendor for certain. If the vendor is Flock they offer a training program which will be made available on the Department's Website. As for concern for adherence to the policy, all policy violations are enforced pursuant to Policy 1010. Regardless of training, no officer can use the system without acknowledging the policy and understanding the consequences of policy violations.

OTHER CONCERNS ADDRESSED:

PAB reviewing ALPR data

PAB/DPA sought language added to the policy to codify their ability to review materials related to the ALPR system.

BPD Response:

The Department has included the following language in the policy (422.10 & 1305.12):

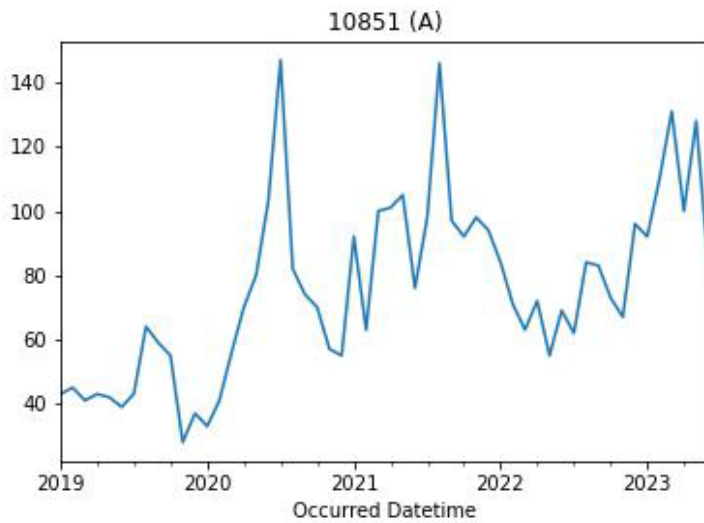
Office of the Director of Police Accountability

SURVEILLANCE ORDINANCE ITEMS

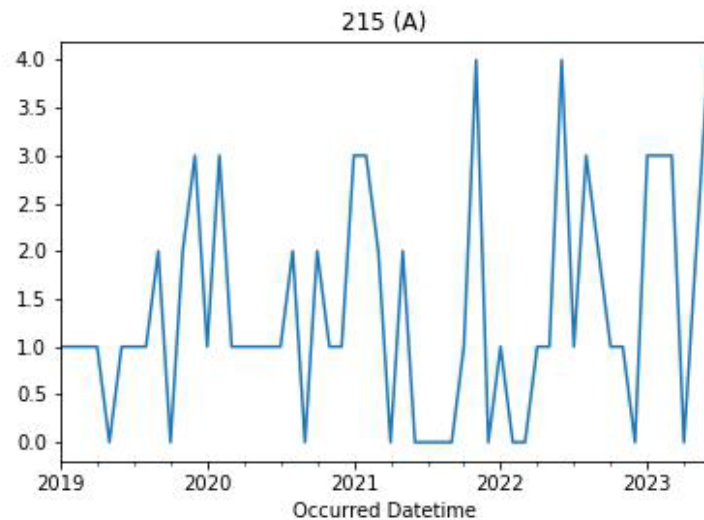
Any ALPR data or images that are utilized for an investigation that becomes evidence in a case will be made available to the ODPAs as it relates to a specific complaint of misconduct. Additionally, the results of any audits will be shared with the ODPAs upon their completion.

A member asked about Berkeley's Stolen Vehicle trends

BPD Response:



According to BPD Law Enforcement Records Management System (VC 10851 – vehicle theft)



According to BPD Law Enforcement Records Management System (PC 215 – Car-jacking)

A member asked about other nearby agencies utilizing ALPR's and any data as to the effectiveness.

BPD Response:

	# of ALPR	Population 2021	Annual Auto Thefts- 2020 FBI UCR	Cameras per #persons
BART			100	
Piedmont	34	11,107	67	1:326
El Cerrito	40	25,845	105	1:646
Hercules	25	26,091	39	1:1043
Benicia	45	26,819	48	1:596
San Pablo	84	31,773	306	1:378
UC Berkeley		45,057	38	
Alameda (City)	35	76,362	470	1:2181
Richmond	40	115,639	1,511	1:2890
BERKELEY	*52	117,145	805	1:2252
Concord	65	124,074	695	1:1908
Vallejo	98	124,886	1,067	1:1274

ODPA Mitigation and Data Security

While the Department indicates that it will safeguard and protect data through procedural and technological means, Policy 1305 should be strengthened to reflect this commitment. Specifically, the BPD should consider revising 1305.4 Data Collection in the following manner:

BPD Response:

Current Language: The Department should if feasible find a solution to transfer evidentiary hit data into its digital evidence repository through secure integration.

Suggested Language: *Evidentiary hit data shall be transferred into the Department's digital evidence repository through secure integration.*

The Department accepted this suggested language as proposed.

ODPA -Third Party Dependencies.

The ODPAs asserts concern that the use of ALPRs may lead to racial disparities.

BPD Response:

The Department does not anticipate the placement of ALPR may yield racial disparities. The cameras capture objective evidence and provide objective results or notifications.

SURVEILLANCE ORDINANCE ITEMS

This technology further supports the Department's goal of providing precision-based policing. The Department believes this technology furthers the goal of reducing racial disparities by leveraging objective evidence.

The Department would also like to advise the Council that California legislatures currently have AB 1463 which would restrict retention periods, require annual audits, and prohibit out-of-state sharing without a valid subpoena, court order, or warrant. This legislation is pending further approval.

On 6/20/23 at the direction of the Public Safety Policy Committee, the Department agreed to submit an off-agenda item with the placement of the ALPRs pending the Council's approval of the item.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None identified.

CONTACT PERSON

Captain Mike Durbin, Police, Professional Standards Division (510) 981-5760

FIXED AUTOMATED LICENSE PLATE READERS (ALPR)

A. DESCRIPTION

Fixed Automated License Plate Readers (ALPRs) are cameras systems with software designed for license plate recognition. The camera systems are typically mounted on street poles, street lights, and highway overpasses.

ALPRs are designed to capture license plate numbers which come into view, along with the location, date and time. The data, which includes an image of the front or the back of the car displaying the license plate, is then uploaded to a central server operated by the vendor. The license plate data is cross referenced with systems such as Stolen Vehicle Systems (SVS), and other lists like Amber alerts to notice police of vehicles with hits.

This technology does not have facial recognition, and is not tied to any personal identifying information or used for traffic enforcement.

B. PURPOSE

Berkeley Police Department will utilize a network of fixed automated license plate readers. The ALPRs will be affixed to street poles, street lights, or other similar objects that are either owned by the City of Berkeley or wherein a right-of-way agreement has been established.

The use of ALPRs to alert police of a wanted or vehicle of interest entering into their respective jurisdiction has become increasingly more commonplace. This technology is being utilized on our local freeways, bridges, and in some instances in private parking lots.

Berkeley Police Department investigators have identified the following instances wherein the use of an effective deployment of ALPRs could have aided the Berkeley Police Department in it's efforts to focus on the wanted vehicle prior to a crime occurring in the City of Berkeley, and potentially avoided an instance of victimization from happening.

RECENT CASES OF INTEREST

1.) BPD had an armed robbery in which the victim was pistol-whipped. The suspects fled in a vehicle. BPD officers located the vehicle and a pursuit ensued. The license plate on the vehicle was reported as a wanted vehicle for an armed robbery in San Ramon. Had this vehicle entered the City of Berkeley, and the vehicle passed an ALPR- BPD Officers could have been focused on finding this offender in an advance of this violent robbery.

2.) Victim was carjacked of his Toyota Rav-4. The suspect vehicle two days later was used in a murder that occurred in a nearby East Bay City. This same vehicle was used in a robbery in Oakland. The stolen property in the Oakland robbery was tracked back into Berkeley. Then this same vehicle was used to commit a robbery in Berkeley at Woolsey

1305 APPENDIX A

BERKELEY POLICE DEPARTMENT SURVEILLANCE ACQUISITION REPORT – FIXED AUTOMATED LICENSE PLATE READERS

and Telegraph. The vehicle was listed as a car-jacking vehicle from the initial crime, ALPRs could have alerted BPD prior to the property being discarded in Berkeley, as well as the final robbery listed in this synopsis.

3.) Home invasion robbery in Berkeley wherein the suspect came in a stolen vehicle, listed in SVS as a wanted vehicle. The suspect violently attacked the resident. The suspect was arrested shortly after in San Pablo due to an ALPR hit. Suspect was unknown but identified due to having the victims stolen property.

4.) An armed robbery occurred in Berkeley the suspects fled in a cold plated stolen vehicle, meaning the vehicle was listed as wanted in SVS. San Pablo PD stopped the suspect vehicle due to the want associated to the license plate. Suspect was arrested and was in possession of a firearm. Suspect was eventually also linked to a stranger sexual assault case.

5.) A robbery of Valero in Berkeley occurred. The suspect arrived in stolen vehicle. The suspect was subsequently arrested by San Mateo PD due to an ALPR hit.

6.) A Victim called BPD to report his carjacked/stolen vehicle (from Union City), was tracking in South Berkeley. The victim was originally carjacked via gun by a group of suspects in Union City a few days prior. Moreover, Officers responded to South Berkeley but were unable to locate the victim's vehicle. The victim later tracked his carjacked/stolen vehicle to 1370 University Ave. Officers responded to this location and located the victim's vehicle. Three juveniles and one adult fled from the vehicle but were captured by the Officers. A search of the vehicle yielded a concealed/loaded firearm.

CATALYTIC CONVERTER THEFTS WITH GUNFIRE

7.) A theft of a catalytic converter took place at 5th and Hearst. The suspect vehicle's license plate was captured on video surveillance. BPD put a felony stop on the vehicle. San Pablo PD located the vehicle using their ALPR system and arrested the driver who was in possession of a loaded handgun.

8.) A catalytic converter theft occurred at 145 Hillcrest Road. The suspect vehicle's license plate was captured on video surveillance. BPD put a felony stop on the vehicle. Pinole PD located the vehicle. During a search of the vehicle, BPD located an assault rifle (ghost gun) and arrested the suspect.

9.) A pickup truck, wanted in SVS due to it being reported as a stolen vehicle, entered Berkeley. The aforementioned was caught in the act of cutting a catalytic converter

1305 APPENDIX A

BERKELEY POLICE DEPARTMENT SURVEILLANCE ACQUISITION REPORT – FIXED AUTOMATED LICENSE PLATE READERS

from a vehicle on the 1800 block of 4th Street. Witnesses and a Security guard confronted the suspects. The suspects fled, and then immediately returned to shoot at the witness and security guard.

PROPERTY CRIME

10.) An auto burglary occurred at 1316 San Pablo Avenue and the victim obtained a license plate. A felony entry was made on the license plate. Pittsburg PD located the suspect vehicle due to an ALPR hit. The vehicle failed to yield and crashed. The driver was arrested for the failure to yield and Pittsburg PD located a loaded handgun in her purse.

11.) A suspect drove into Berkeley in a stolen vehicle, listed in SVS. The suspect drove to the driveway of 1626 Berkeley Way and proceeded to steal that resident's vehicle.

12.) Two suspects drove a reported stolen auto to Berkeley Bowl West. The suspects then burglarized a victim's vehicle. The suspect then proceeded to Emeryville where they used the Victim's identity to commit identity theft.

13.) A series of auto burglaries were committed in the area of San Pablo and Gilman. The suspects were seen getting into a vehicle which was listed in SVS as a stolen vehicle. Two days later a nearby city reported the same vehicle was used in a murder in that city. ALPR system could have notified officers of that wanted vehicle and helped in the capture of the suspects, and potentially intervened before the subsequent murder.

HOMICIDE

14.) Another agency reported a vehicle used in a murder, with a known license plate was entered into SVS with a felony want (associated with a murder). On 08/02/22 the vehicle was located in Berkeley. The associated suspects were located after fleeing from officers.

15.) BPD officers responded to a report of a person casing a house. Upon their arrival the suspects fled in a white sedan. That sedan was determined to be a reported stolen auto. The sedan fled from officers after they activated their emergency lights and sirens. The same vehicle was reported to be involved in a road rage incident in an adjacent city wherein the suspects shot and killed the victim on the freeway.

SEX/DV CRIMES

16.) This is a DV case in which the suspect fought with his adult girlfriend causing visible injury and then chased his girlfriend's 12 year old daughter down the street and shot at

her with a firearm. San Pablo PD had an ALPR hit from this Berkeley PD case. The suspect ran from San Pablo PD and a gun was recovered from him.

17.) This is a series of peeping and prowling incidents against female UC Berkeley students. The suspect was driving for a ride share service and was in and out of Berkeley for the several months. The suspect was homeless, and thereby conventional methods of locating the suspect weren't fruitful.

C. LOCATION

BPD proposes to install 52 fixed ALPRs in the City of Berkeley. While the cameras are permanent installations, if found ineffective in the installed location, the Department can elect to move the camera to another location at nominal cost. It's preferred to leave cameras installed in locations for periods of minimally a year. Locations will be determined using crime data, known locations of ingress or egress into the City of Berkeley, and commonly known direction of travel after criminal acts based on information provided from investigators. The Department will balance the need to deploy the camera systems equitably across the City of Berkeley with the need to deploy the cameras in an effective manner. BPD will solicit input from the vendor for an effective deployment.

D. IMPACT

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 utilized with ALPR Units will help to ensure unauthorized use of its data. The procedures will 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 potentially disparate or adverse impacts on any communities or groups.

E. MITIGATION

All saved data will be safeguarded and protected by both procedural and technological means which are implemented to safeguard the public from any impacts identified in subsection (D). See subsection (G) for further.

F. DATA TYPES AND SOURCES

Images of license plates and location metadata may be obtained through the use of ALPR cameras. The vendor's system may have searching capabilities due to technology from machine learning

that allow officers to search by vehicle type, make, color, license plate state, bumper sticker (the presence of a bumper sticker, not the image or content), decals (again the presence of a decal, not the image or content) and roof racks. All data stored in the vendor's servers shall be securely protected with end-to-end encryption.

G. DATA SECURITY

BPD takes data security seriously. All saved data will be safeguarded and protected by both procedural and technological means. The Berkeley Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) Non-law enforcement requests for access to stored ALPR data shall be processed according to the Records Maintenance and Release Policy in accordance with applicable law.
- (b) All ALPR data downloaded to any workstation or server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (c) Berkeley Police Department members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Aggregated ALPR data not related to specific criminal investigations shall not be released to any local, state or federal agency or entity without the consent of the Chief of Police or City Manager.
- (e) Measures will be taken to ensure the accuracy of ALPR information. Errors discovered in ALPR data collected by ALPR units shall be marked, corrected or deleted in accordance with the type and severity of the error in question.
- (f) ALPR system audits will be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biennial.
- (g) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
- (h) Every ALPR Detection Browsing Inquiry must be documented by either the associated Berkeley Police case number or incident number, and/or a reason for the inquiry

For security or data breaches, see the Records Release and Maintenance Policy.

H. FISCAL COST

Since the City of Berkeley has not acquired the specific cameras, the costs can only be estimated. BPD expects the individual camera costs to range from \$2500-\$5000 each, with the installation to vary. BPD believes that for the proposed 52 camera deployment the cost to purchase and install to not exceed an initial cost of \$250,000. The yearly subscription cost may fluctuate but is expected to range from \$125,000 to \$175,000 a year.

I. THIRD-PARTY DEPENDENCE AND ACCESS

ALPR vendor would store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. The vendor will purge their data at the end of 30 days of storage. However, this will not preclude Berkeley Police Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Berkeley retention schedule (i.e. if detectives establish a hit results in evidentiary value it should be incorporated into the digital evidence of that specific case, and thereby would be kept longer than the aforementioned 30 days).

Restrictions on use of fixed ALPR Data: Information gathered or collected, and records retained by the Vendor will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purpose unless allowed by policy (i.e. metadata will be permissible use for annual surveillance reporting).

An ALPR shall only be used for official law enforcement business.

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

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or to support criminal investigations. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

The ALPR system, and all data collected, is the property of the Berkeley Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

1305 APPENDIX A

BERKELEY POLICE DEPARTMENT SURVEILLANCE ACQUISITION REPORT – FIXED AUTOMATED LICENSE PLATE READERS

(1) Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, 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 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 ALPR system 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 law.

(4) Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.

(5) First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

Anyone who engages in an impermissible use of the 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 departmental policies.

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.

(a) A supervisor at the requesting agency will sign an acknowledgement letter stating that the shared data will only be used for the purposes that are aligned with the Berkeley Police Department's policy. The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).

(b) The signed letter is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

J. ALTERNATIVES

An alternative is the deployment of additional police resources. The inherent problems with this alternative is that it is difficult to hire and train additional police officers and the cost would be significantly higher than adding technology. Furthermore, this technology furthers the Department's goal in protecting and safeguarding our community through precision based policing strategies.

K. EXPERIENCE OF OTHER ENTITIES

Currently, in Alameda County, the following cities have ALPR programs, The Alameda County Sheriff's Office, Alameda PD, Emeryville PD, Fremont PD, Hayward PD, Livermore PD, Newark PD, Oakland PD, Piedmont PD, Pleasanton PD, San Leandro PD, Union City PD, and the California Highway Patrol. The only agency in Alameda County to not utilize ALPRs is Albany PD.

Representatives from Newark indicated success with their program. No notable issues have arisen as a result of this program. Additionally, no unexpected expenditures have come from this program that were unforeseen.

Representatives from indicated similar to the above, success with their program. No notable issues have arisen as a result of this program. Additionally, no unexpected expenditures have come from this program that were unforeseen.

Fixed Automated License Plate Readers (ALPRs)-

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. Department Personnel shall adhere to the requirements of Fixed ALPRs in this policy as well as the corresponding Surveillance Use-Fixed ALPRs policy-1305.

422.2 POLICY

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

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for 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 (CBP).

422.3 DEFINITIONS

- (a) Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- (b) ALPR Operator: Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.
- (c) ALPR Administrator: The Investigations Bureau Captain or the Chief's designee, serves as the ALPR Administrator for the Department.
- (d) Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc.
- (e) Vehicles of Interest: Including, but not limited to vehicles which are reported as stolen, display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.

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- (f) Detection: Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
 - (g) Hit Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

422.4 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Berkeley Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, suspect apprehension and stolen property recovery. 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 his/her command to administer the day-to-day operation of the ALPR equipment and data.

422.4.1 ALPR ADMINISTRATOR

The Investigations Division Captain, or his/her designee, 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):

- (a) Only properly trained sworn officers, crime analysts, communication operators, records clerks, parking enforcement officers, and police assistants are allowed access to the ALPR system or to collect ALPR information.
- (b) Ensuring that training requirements are completed for authorized users.
- (c) ALPR system monitoring to ensure the security of the information and compliance with applicable privacy laws.
- (d) Ensuring procedures are followed for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records, or vendor on the retention and destruction of ALPR data.ensuring this policy and related procedures are conspicuously posted on the City's website.

422.5 OPERATIONS

An ALPR shall only be used for official law enforcement business.

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

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or to support criminal investigations. Reasonable suspicion or probable cause is not required before using an ALPR [database](#).
- (c) Partial license plates and unique vehicle descriptions reported during crimes may be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If [practicable/feasible](#), 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 alert. Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDT or through Dispatch.
- ~~(e)~~(f) Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they 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.)
- ~~(f)~~(g) Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the Department's LPR system may be updated by agency sources more frequently than the Department may be uploading them and thus the Department's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Department members shall undertake the following:
 - (1) Verification of status on a Hot List. An officer must receive confirmation, from a Berkeley 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).
 - (2) Visual verification of license plate number. Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number

captured (read) by the LPR, 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 a Hot Plate (hit) in a specific BOLO (be on the lookout) 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.

(3) Department members will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then the Department member shall update with the Communications Dispatcher and original person and/or a crime analyst inputting the vehicle in the hot list (hit).

(4) General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.

(5) All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator.

(6) Administrator (or his/her designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring the officers attention to specific vehicles that have been associated with criminal activity.

All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:

- Entering Department member's name
- Related case number.
- Short synopsis describing the nature of the originating call

~~(g)~~(h) Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Berkeley Police Department. Department personnel may only access and use the ALPR system for official and legitimate [California](#) law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, 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).

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2. Harassment or Intimidation: It is a violation of this Policy to use the 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 LPR system 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 law.
 4. Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
 5. First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

(i) Anyone who intentionally engages in an impermissible use of the ALPR system or associated scan files or hot lists ~~may~~shall be subject to administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and departmental policies. Partial license plates reported during crimes may be entered into the ALPR system in an attempt to identify suspect vehicles.

(j) Anyone who negligently engages in an impermissible use of the 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 departmental policies. Partial license plates reported during crimes may be entered into the ALPR system in an attempt to identify suspect vehicles.

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

422.6 DATA COLLECTION AND RETENTION

The Investigations Division Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures. ~~The Department should if feasible find a solution to transfer evidentiary hit data into its digital evidence repository through secure integration. Evidentiary hit data shall be transferred into the Department's digital evidence repository through secure integration.~~

All ALPR data downloaded to the ALPR server should be stored for no longer than 30 days, 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 or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server and uploaded into BPD's digital evidence repository.

ALPR vendor, will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. The ALPR vendor will purge their data at the end of the 30 days of storage. However, this will not preclude Berkeley Police Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Berkeley retention schedule mentioned above or outlined elsewhere. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list. The ALPR vendor and Department shall ensure that the necessary data is captured and stored to accurately report the relevant data required in the Annual Surveillance Technology report. Once the City Council approves the Annual Surveillance Technology report all said data may be purged so long as it doesn't violate the Retention guidelines.

Restrictions on use of vendor Data: Information gathered or collected, and records retained by the vendor's cameras or any other Berkeley Police Department ALPR system will not be sold, accessed, or used for any purpose other than legitimate [California](#) law enforcement or public safety purposes.

422.7 ACCOUNTABILITY

All saved data will be safeguarded and protected by both procedural and technological means. The Berkeley Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) Non-law enforcement requests for access to stored ALPR data shall be processed according to the Records Maintenance and Release Policy in accordance with applicable law.
- (b) All ALPR data downloaded to any workstation or server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (c) Berkeley Police Department members approved to access ALPR data under these guidelines are permitted to access the data for legitimate [California](#) law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Aggregated ALPR data not related to specific criminal investigations shall not be released to any local, state or federal agency or entity without the consent of the Chief of Police or City Manager (i.e. If transportation department requested volume of vehicular traffic associated with specific events, it could conceivably be provided with the count of vehicles, but not the specific license plates with appropriate permissions).
- (e) Measures will be taken to ensure the accuracy of ALPR information. Errors discovered in ALPR data collected by ALPR units shall be marked, corrected or deleted in accordance with the type and severity of the error in question.
- (f) ALPR system audits will be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biennial.

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- (g) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate [California](#) law enforcement purposes.
 - (h) Every ALPR Detection Browsing Inquiry must be documented by either the associated Berkeley Police case number or incident number, and/or a reason for the inquiry

For security or data breaches, see the Records Release and Maintenance Policy.

422.8 ALPR DATA DETECTION BROWSING AUDITS

It is the responsibility of the Sergeant of Audit and Inspections or the Chief's designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least biennial. The Department will audit a sampling of the ALPR system utilization from the prior 24-month period to verify proper use in accordance with the above- authorized uses. The audit shall randomly select at least 10 detection browsing inquiries conducted by department employees during the preceding 24-month period and determine if each inquiry meets the requirements established in policy section 462.6(e).

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 filed and retained by the Professional Standards Bureau Captain. This audit should be shared in the Surveillance Ordinance reporting.

422.9 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.

(a) A supervisor at the requesting agency will sign an acknowledgement letter stating that the shared data will only be used for the purposes that are aligned with the Berkeley Police Department's policy. The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP). *See attached letter.*

(b) The signed letter is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

(c) All signed letters shall be routed to the Audit and Inspection Sergeant for compliance and reporting.

ALPR data is subject to the provisions of the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

422.10 OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY

Any ALPR data or images that are utilized for an investigation that becomes evidence in a case will be made available to the Office of the Director of Police Accountability (ODPA) as it relates to

[a specific complaint of misconduct. Additionally, the results of any audits will be shared with the ODPa upon their completion.](#)

~~422.10~~**422.11 TRAINING**

The Personnel and Training Sergeant shall ensure that members receive department-approved training -in order to be -authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53

Surveillance Use Policy-Fixed ALPRs

1305.1 PURPOSE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. Department Personnel shall adhere to the requirements of the Surveillance Use-Fixed ALPRs in this policy as well as the corresponding Use Policy -422.

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

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for 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 (CBP).

1305.2 DEFINITIONS

- (a) Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- (b) ALPR Operator: Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.
- (c) ALPR Administrator: The Investigations Bureau Captain or the Chief's designee, serves as the ALPR Administrator for the Department.
- (d) Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc.
- (e) Vehicles of Interest: Including, but not limited to vehicles which are reported as stolen, display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.
- (f) Detection: Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.

- (g) Hit Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

1305.3 AUTHORIZED AND PROHIBITED USES

An ALPR shall only be used for official law enforcement business.

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

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or to support criminal investigations. Reasonable suspicion or probable cause is not required before using an ALPR [database](#).
- (c) Partial license plates and unique vehicle descriptions reported during crimes may be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- ~~(e)~~ [\(e\)](#) If [practicable/feasible](#), 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 alert. Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDT or through Dispatch.
- ~~(e)~~ [\(f\)](#) Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they 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.)
- ~~(f)~~ [\(g\)](#) Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the Department's LPR system may be updated by agency sources more frequently than the Department may be uploading them and thus the Department's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Department members shall undertake the following:

(1) Verification of status on a Hot List. An officer must receive confirmation, from a Berkeley 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).

(2) Visual verification of license plate number. Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, 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 a Hot Plate (hit) in a specific BOLO (be on the lookout) 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.

(3) Department members will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then the Department member shall update with the Communications Dispatcher and original person and/or a crime analyst inputting the vehicle in the hot list (hit).

(4) General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.

(5) All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator.

(6) Administrator (or his/her designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring the officers attention to specific vehicles that have been associated with criminal activity.

All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:

- Entering Department member's name
- Related case number.
- Short synopsis describing the nature of the originating call

~~(g)~~(h) Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Berkeley Police Department. Department personnel may only access and use the ALPR system for official and legitimate [California](#) law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, 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 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 LPR system 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 law.
4. Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
5. First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

(i) Anyone who intentionally engages in an impermissible use of the ALPR system or associated scan files or hot lists ~~may~~shall be subject to administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and departmental policies. Partial license plates reported during crimes may be entered into the ALPR system in an attempt to identify suspect vehicles.

(j) Anyone who negligently engages in an impermissible use of the 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 departmental policies. Partial license plates reported during crimes may be entered into the ALPR system in an attempt to identify suspect vehicles.

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

1305.4 DATA COLLECTION

The Investigations Division Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures. ~~The Department should if feasible find a solution to transfer evidentiary hit data into its digital evidence repository through secure integration. Evidentiary hit data shall be transferred into the Department's digital evidence repository through secure integration.~~

All ALPR data downloaded to the ALPR server should be stored for no longer than 30 days, 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 or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server and uploaded into BPD's digital evidence repository.

ALPR vendor, will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. The ALPR vendor will purge their data at the end of the 30

days of storage. However, this will not preclude Berkeley Police Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Berkeley retention schedule mentioned above or outlined elsewhere. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list. The ALPR vendor and Department shall ensure that the necessary data is captured and stored to accurately report the relevant data required in the Annual Surveillance Technology report. Once the City Council approves the Annual Surveillance Technology report all said data may be purged so long as it doesn't violate the Retention guidelines.

Restrictions on use of vendor Data: Information gathered or collected, and records retained by the vendor's cameras or any other Berkeley Police Department ALPR system will not be sold, accessed, or used for any purpose other than legitimate [California](#) law enforcement or public safety purposes.

1305.5 DATA ACCESS

- (a) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (b) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
- (c) If practical, an operator should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

1305.6 DATA PROTECTION

Internal
Berkeley Police Department
Law Enforcement Services Manual

Surveillance Use Policy-Fixed ALPRs

All saved data will be safeguarded and protected by both procedural and technological means. The Berkeley Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) Non-law enforcement requests for access to stored ALPR data shall be processed according to the Records Maintenance and Release Policy in accordance with applicable law.
- (b) All ALPR data downloaded to any workstation or server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (c) Berkeley Police Department members approved to access ALPR data under these guidelines are permitted to access the data for legitimate [California](#) law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Aggregated ALPR data not related to specific criminal investigations shall not be released to any local, state or federal agency or entity without the consent of the Chief of Police or City Manager (i.e. If transportation department requested volume of vehicular traffic associated with specific events, it could conceivably be provided with the count of vehicles, but not the specific license plates with appropriate permissions).
- (e) Measures will be taken to ensure the accuracy of ALPR information. Errors discovered in ALPR data collected by ALPR units shall be marked, corrected or deleted in accordance with the type and severity of the error in question.
- (f) ALPR system audits will be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biennial.
- (g) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate [California](#) law enforcement purposes.
- (h) Every ALPR Detection Browsing Inquiry must be documented by either the associated Berkeley Police case number or incident number, and/or a reason for the inquiry

For security or data breaches, see the Records Release and Maintenance Policy.

1305.7 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 potentially disparate or adverse impacts on any communities or groups.

Surveillance Use Policy-Fixed ALPRs

1305.8 DATA RETENTION

All ALPR data belongs to the Department. All ALPR data downloaded to the ALPR server should be stored for no longer than 30 days, 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 or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server and uploaded into BPD's digital evidence repository.

ALPR vendor, will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. The ALPR vendor will purge their data at the end of the 30 days of storage. However, this will not preclude Berkeley Police Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Berkeley retention schedule mentioned above or outlined elsewhere. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list. The ALPR vendor and Department shall ensure that the necessary data is captured and stored to accurately report the relevant data required in the Annual Surveillance Technology report. Once the City Council approves the Annual Surveillance Technology report all said data may be purged so long as it doesn't violate the Retention guidelines.

1305.9 PUBLIC ACCESS

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Department shall to the extent feasible aim to offer a transparency portal wherein the number of scans, hits, and queries is available to the public in real-time, or as near as real-time as feasible. All data shall be reported in the Annual Surveillance Technology Report.

1305.10 THIRD PARTY DATA-SHARING

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.

(a) A supervisor at the requesting agency will sign an acknowledgement letter stating that the shared data will only be used for the purposes that are aligned with the Berkeley Police Department's policy. The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP). *See attached letter.*

(b) The signed letter is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

(c) All signed letters shall be routed to the Audit and Inspection Sergeant for compliance and reporting.

ALPR data is subject to the provisions of the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

1305.11 TRAINING

Training for the operation of ALPR Technology shall be provided by BPD personnel. All BPD

Surveillance Use Policy-Fixed ALPRs

employees who utilize ALPR Technology shall be provided a copy of this Surveillance Use Policy.

1305.12 AUDITING AND OVERSIGHT

ALPR system audits will be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biannually. The data from the fixed ALPRs shall be reported annually in the Surveillance Technology Report.

[Any ALPR data or images that are utilized for an investigation that becomes evidence in a case will be made available to the Office of the Director of Police Accountability \(ODPA\) as it relates to a specific complaint of misconduct. Additionally, the results of any audits will be shared with the ODPA upon their completion.](#)

1305.13 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 his/her command to administer the day-to-day operation of the ALPR equipment and data. Equipment maintenance shall be provided by the vendor.

Received communications addressed to the PAB

Public

From: Ken Berland <ken@hero.net>
Sent: Friday, July 07, 2023 10:24 AM
To: Louis, Jennifer A. <JLouis@berkeleyca.gov>; Office of the Director of Public Accountability <OfficeoftheDirectorofPoliceAccountability@berkeleyca.gov>; Bartlett, Ben <BBartlett@berkeleyca.gov>; Hahn, Sophie <SHahn@berkeleyca.gov>; Harrison, Kate <KHarrison@berkeleyca.gov>; Arreguin, Jesse L. <JArreguin@berkeleyca.gov>; Robinson, Rigel <RRobinson@berkeleyca.gov>; Humbert, Mark <MHumbert@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>; Taplin, Terry <ttaplin@berkeleyca.gov>; Kesarwani, Rashi <RKesarwani@berkeleyca.gov>
Subject: In Favor of License Plate Readers

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.

Council, Chief of Police, and Police Accountability Board,

I'm an 18-year resident of Berkeley with three children in BUSD. I live at 2528 Chilton Way. I was unable to make the Zoom last night as I had to work.

Daily, I am appalled at the amount of crime in our community. Last night, a woman was carjacked at gunpoint on Parkside Drive in the Claremont.

I'm in favor of automatic license plate readers at all entry points to our City. They will deter criminals and increase the ability of our police to solve crimes.

It is odd that detractors cite equity concerns as cameras cannot be racist.

This technology will help the Berkeley Police Department fight crime. We can increase the likelihood of apprehending suspects and we can prevent crime before it occurs.

Please move forward with this proposal.

Sincerely,
Kenneth Berland

Public

From: rachel bradley <rachelbradleywood@hotmail.com>
Sent: Wednesday, July 05, 2023 8:23 PM
To: Office of the Director of Public Accountability
<OfficeoftheDirectorofPoliceAccountability@berkeleyca.gov>
Subject: I support automated license plate readers in Berkeley

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.

They sound like a good tool to address some of the serious public safety issues in our city.

Please give them a try, and put the word out, to deter people from coming here to commit crimes.

Sent from [Mail](#) for Windows

Public

From: Moni Law <monilaw7@gmail.com>

Sent: Tuesday, June 20, 2023 11:36 AM

To: J. George Lippman <george@igc.org>; Robinson, Rigel <RRobinson@berkeleyca.gov>; Taplin, Terry <ttaplin@berkeleyca.gov>; Office of the Director of Public Accountability <OfficeoftheDirectorofPoliceAccountability@berkeleyca.gov>; kelly hammargren <kellyhammargren@gmail.com>

Subject: Re: ALPR Proposal Must be Rejected: Studies Show Errors, No Evidence of Reduced Crime

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.

On Tue, Jun 20, 2023 at 10:56 AM Moni Law <monilaw7@gmail.com> wrote:

<https://www.independent.org/publications/article.asp?id=14254#:~:text=According%20to%20an%20estimate%20by,mistakes%20and%20misidentifications%20are%20frequent.>

Contrary to the BPD presenter's argument, there is no significant evidence that these cameras are the solution to reduce, prevent or resolve crime. The proposal as written is inadequate to justify a purchase of these expensive cameras.

Please read the article in the attached Independent... According to estimates by an ALPR data aggregator, cameras misread one out of ten license plates. Cameras scan 2,000 plates per minute. Given a high error rate, mistakes and misidentifications are frequent.

Do we want to take this high risk of erroneous stops and arrests? High risk of violating constitutional rights? High risk of increased liability for wrongful detention and wrongful arrests? BPD already has a high disparity in traffic stops based on race.

If you run these numbers by the independent Auditor, she may have thoughts on the efficacy of this purchase. There are outstanding Auditor recommended improvements to make that can provide more time for detectives to solve car theft and other crimes instead of the 70% of officer time in responding to unhoused and mental health calls (the SCU should free up officer time to fight crime instead of being the entity called for homeless or mental health issues).

As decision makers re policy and programs to make our community safe, it is incumbent upon you to listen also to those who are subject matter experts -- the citizen approved Police Accountability

Board. They conducted a thorough review of this proposal, and are a valuable resource to analyze and review their concerns. We need to have adequate information on whether this tool is effective, safe and appropriate before expending more money without evidence to support the effectiveness of this potential tool.

I agree with the BPD speaker to 'not put the cart before the horse.' In this situation, neither the cart nor the horse are ready for the road to improving public safety.

From the August 16, 2002 article "The Pitfalls of Law Enforcement License Plate Readers in California and Safeguards to Protect the Public" --

In 2009, a 47-year-old Black woman named Denise Green was forced to the ground at gunpoint by several San Francisco police officers during her car ride home from work. During the lengthy hold up, the officers searched Green's vehicle, while other officers had their guns pointed at her while she was handcuffed. Green never had a criminal record.

Her crime? The police alleged she was a car thief, but after an extensive detention, police acknowledged that Green's burgundy Lexus was, in fact, [not the gray GMC truck they were looking for](#). An automated license plate reader, or ALPR, notified police that Green's car was stolen after misreading her license plate. The lesson of her story is that this could happen to anyone on the road.

California law enforcement agencies have come to embrace ALPRs enthusiastically. ALPR systems gather information from passing cars faster than police officers can visually confirm license plates, and the systems compare the plate numbers against a registry or they relay the plate numbers to dispatchers. ALPRs are high-speed cameras that can [rapidly scan numerous computer-readable images](#), eliminating the need for law enforcement personnel to do manual checks.

Despite their increasing prevalence, local governments have paid little attention to their departments' sensitive technologies. Some municipalities have failed to adopt measures to prevent abuse before purchasing the equipment, and the few ALPR laws on the books are often ignored or are not comprehensive enough to prevent misuse. A lack of an overarching governance framework is to blame. Now out in the wild, ALPRs represent a significant risk to civil liberties.

Californians would benefit greatly from ALPR data-collection limits, regular data cleaning, and transparency. Until a structure is in place that protects individuals' privacy and provides law enforcement with a template to ensure accountability, no ALPR network is satisfactory.

Sincerely,

Moni T. Law, Chair

Berkeley Community Safety Coalition

(Rest in Peace Mayor Gus Newport and Elliot Halpern, BCSC Steering Committee Members)